

As Reported by the House Finance Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 110

Representative Oelslager

Cosponsors: Representatives Cross, Edwards, Roemer

A B I L L

To amend sections 3.061, 9.318, 9.821, 9.822, 9.83, 1
101.15, 102.02, 107.03, 109.08, 109.57, 109.572, 2
109.79, 111.16, 111.28, 111.48, 117.04, 117.05, 3
117.06, 117.09, 117.13, 117.22, 119.12, 121.02, 4
121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 5
122.011, 122.041, 122.17, 122.178, 122.42, 122.60, 6
122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 7
122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 8
122.87, 122.89, 122.90, 122.92, 123.01, 123.02, 9
123.151, 123.152, 123.153, 123.154, 124.136, 10
125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 11
125.09, 125.112, 125.14, 125.18, 125.65, 125.832, 12
125.95, 126.37, 127.13, 128.55, 131.02, 131.025, 13
131.43, 133.06, 133.13, 135.02, 149.311, 149.434, 14
155.011, 163.62, 166.01, 166.03, 166.27, 167.03, 15
169.05, 173.38, 173.381, 173.39, 173.391, 173.392, 16
173.393, 174.01, 174.02, 183.021, 183.18, 183.33, 17
184.01, 184.173, 307.921, 307.93, 319.302, 319.54, 18
321.27, 323.153, 323.155, 329.12, 340.02, 340.021, 19
340.03, 340.13, 341.12, 351.021, 727.01, 901.171, 20
901.91, 940.05, 955.15, 1121.30, 1181.06, 1321.21, 21
1322.09, 1322.10, 1322.20, 1322.21, 1337.11, 22
1503.03, 1503.05, 1503.141, 1503.33, 1505.09, 23

1509.12, 1509.13, 1509.28, 1509.70, 1509.71,	24
1509.72, 1509.73, 1509.74, 1509.75, 1509.77,	25
1513.08, 1521.06, 1521.061, 1521.40, 1521.99,	26
1531.01, 1531.33, 1531.35, 1533.01, 1533.101,	27
1533.11, 1533.12, 1533.321, 1546.06, 1547.59,	28
1551.01, 1551.33, 1551.35, 1561.12, 1561.23,	29
1703.27, 1707.37, 1710.01, 1733.321, 1907.15,	30
2133.01, 2151.011, 2151.152, 2151.412, 2151.416,	31
2151.451, 2151.452, 2151.453, 2317.54, 2329.312,	32
2743.01, 2743.02, 2743.15, 2743.16, 2743.19,	33
2921.36, 2927.02, 2929.15, 2929.19, 2929.34,	34
2953.25, 2967.04, 2967.17, 2967.28, 2981.13,	35
3107.11, 3107.15, 3119.01, 3301.079, 3301.0712,	36
3301.0714, 3301.0715, 3302.20, 3310.08, 3310.41,	37
3310.51, 3310.54, 3310.56, 3311.741, 3313.48,	38
3313.488, 3313.5315, 3313.60, 3313.603, 3313.608,	39
3313.6013, 3313.61, 3313.618, 3313.619, 3313.6113,	40
3313.6114, 3313.64, 3313.703, 3313.902, 3313.979,	41
3313.98, 3313.981, 3314.013, 3314.016, 3314.017,	42
3314.03, 3314.06, 3314.08, 3314.084, 3314.087,	43
3314.091, 3314.101, 3314.11, 3314.20, 3315.18,	44
3317.013, 3317.014, 3317.016, 3317.02, 3317.021,	45
3317.022, 3317.023, 3317.024, 3317.028, 3317.0212,	46
3317.0213, 3317.0214, 3317.03, 3317.051, 3317.16,	47
3317.20, 3317.25, 3318.038, 3319.151, 3319.221,	48
3319.227, 3319.229, 3319.236, 3319.31, 3319.311,	49
3319.313, 3319.316, 3319.39, 3319.40, 3319.57,	50
3319.61, 3319.99, 3324.05, 3324.09, 3326.02,	51
3326.03, 3326.032, 3326.04, 3326.07, 3326.08,	52
3326.081, 3326.11, 3326.14, 3326.23, 3326.31,	53
3326.32, 3326.33, 3326.39, 3326.40, 3326.51,	54
3327.01, 3327.02, 3328.18, 3328.24, 3328.32,	55
3328.34, 3333.049, 3333.31, 3333.38, 3333.61,	56

3333.613, 3333.62, 3333.63, 3333.64, 3333.65,	57
3333.66, 3333.68, 3333.69, 3333.79, 3333.80,	58
3333.801, 3333.802, 3345.32, 3365.01, 3365.02,	59
3365.03, 3365.032, 3365.04, 3365.07, 3501.302,	60
3701.132, 3701.362, 3701.501, 3701.61, 3701.613,	61
3701.831, 3701.881, 3701.916, 3703.01, 3703.03,	62
3709.052, 3709.06, 3709.07, 3713.02, 3717.22,	63
3717.221, 3721.02, 3734.57, 3734.85, 3734.901,	64
3737.17, 3737.71, 3741.14, 3745.014, 3745.11,	65
3746.01, 3746.04, 3746.071, 3746.09, 3746.10,	66
3746.11, 3746.12, 3746.13, 3746.17, 3746.18,	67
3746.19, 3746.20, 3746.21, 3746.31, 3746.35,	68
3770.073, 3772.01, 3791.07, 3794.01, 3929.87,	69
4104.32, 4104.34, 4104.36, 4104.37, 4117.103,	70
4141.131, 4141.21, 4141.22, 4141.51, 4141.53,	71
4141.55, 4301.03, 4301.10, 4301.12, 4301.30,	72
4301.42, 4301.43, 4301.62, 4303.03, 4303.031,	73
4303.071, 4303.17, 4303.2010, 4303.232, 4303.233,	74
4303.234, 4303.26, 4303.271, 4303.33, 4303.99,	75
4501.21, 4503.066, 4505.09, 4511.191, 4715.36,	76
4719.01, 4723.431, 4729.43, 4735.05, 4735.14,	77
4735.15, 4735.211, 4755.01, 4755.02, 4755.04,	78
4755.05, 4755.06, 4755.08, 4755.11, 4755.12,	79
4755.42, 4755.421, 4755.47, 4755.48, 4755.64,	80
4757.10, 4763.15, 4779.28, 4779.33, 4781.04,	81
4781.07, 4781.281, 4781.56, 4781.57, 4901.10,	82
4906.02, 4927.01, 5101.141, 5101.1411, 5101.1412,	83
5101.1415, 5101.341, 5101.63, 5101.802, 5101.971,	84
5103.02, 5103.031, 5103.0310, 5103.0316, 5104.01,	85
5104.017, 5104.07, 5104.29, 5104.34, 5107.10,	86
5119.27, 5119.33, 5119.34, 5119.36, 5119.37,	87
5119.43, 5119.99, 5120.035, 5120.62, 5123.19,	88
5123.35, 5123.89, 5124.01, 5124.101, 5124.15,	89

5124.151, 5124.152, 5124.17, 5124.19, 5124.191,	90
5124.21, 5124.23, 5124.29, 5124.30, 5124.38,	91
5124.39, 5124.40, 5124.41, 5124.46, 5126.044,	92
5126.05, 5126.054, 5126.055, 5126.056, 5126.071,	93
5126.131, 5145.31, 5149.31, 5149.311, 5149.38,	94
5153.122, 5153.124, 5153.163, 5153.176, 5164.34,	95
5164.342, 5165.01, 5165.15, 5165.151, 5165.16,	96
5165.17, 5165.191, 5165.26, 5165.36, 5165.771,	97
5166.01, 5167.16, 5168.60, 5168.61, 5301.13,	98
5301.14, 5301.15, 5301.18, 5301.21, 5501.332,	99
5502.14, 5502.30, 5701.11, 5703.21, 5703.70,	100
5705.16, 5705.19, 5709.121, 5709.92, 5709.93,	101
5726.20, 5727.75, 5727.80, 5727.81, 5731.21,	102
5731.24, 5731.28, 5731.41, 5739.02, 5739.021,	103
5741.01, 5741.03, 5747.01, 5747.02, 5747.05,	104
5747.08, 5747.10, 5751.02, 5751.03, 5751.40,	105
5919.34, 6109.121, 6111.027, and 6111.13; to	106
amend, for the purpose of adopting new section	107
numbers as indicated in parentheses, sections	108
9.318 (122.925), 123.151 (122.921), 123.152	109
(122.922), 123.153 (122.923), 123.154 (122.924),	110
155.011 (155.29), 1509.70 (155.30), 1509.71	111
(155.31), 1509.72 (155.32), 1509.73 (155.33),	112
1509.74 (155.34), 1509.75 (155.35), 1509.77	113
(155.36), 3701.881 (3740.11), 3746.071 (3746.07),	114
4303.233 (4303.236), and 4303.234 (4303.235); to	115
enact new sections 3314.085, 3317.017, 3317.0215,	116
3317.0217, 3317.0218, 4303.233, and 4303.234 and	117
sections 9.27, 107.121, 113.70, 113.71, 113.72,	118
113.73, 113.74, 113.75, 113.76, 113.77, 117.55,	119
122.40, 122.401, 122.403, 122.404, 122.406,	120
122.407, 122.408, 122.4010, 122.4013, 122.4015,	121
122.4016, 122.4017, 122.4018, 122.4019, 122.4020,	122

122.4021, 122.4023, 122.4024, 122.4025, 122.4030,	123
122.4031, 122.4033, 122.4034, 122.4035, 122.4036,	124
122.4037, 122.4040, 122.4041, 122.4043, 122.4044,	125
122.4045, 122.4046, 122.4050, 122.4051, 122.4053,	126
122.4055, 122.4060, 122.4061, 122.4063, 122.4070,	127
122.4071, 122.4073, 122.4075, 122.4076, 122.4077,	128
122.851, 124.1312, 149.309, 173.012, 188.01,	129
188.02, 188.05, 188.08, 188.11, 188.14, 188.17,	130
188.20, 188.23, 188.27, 188.30, 303.251, 323.161,	131
505.881, 940.111, 1503.271, 1547.533, 1707.47,	132
1707.471, 1707.49, 2151.316, 2151.4115, 2151.4116,	133
2151.4117, 2151.4118, 2151.4119, 2151.4120,	134
2151.4121, 2151.4122, 3301.23, 3301.231, 3301.232,	135
3301.233, 3301.85, 3302.043, 3304.24, 3307.091,	136
3310.411, 3313.6026, 3313.905, 3314.089,	137
3314.0810, 3314.355, 3317.011, 3317.012, 3317.018,	138
3317.019, 3317.071, 3317.072, 3317.11, 3317.162,	139
3317.60, 3319.0812, 3319.318, 3319.319, 3319.393,	140
3319.394, 3319.47, 3326.43, 3326.44, 3327.016,	141
3327.017, 3327.018, 3327.021, 3333.125, 3333.301,	142
3333.615, 3345.063, 3345.82, 3365.035, 3375.011,	143
3709.012, 3721.081, 3740.01, 3740.02, 3740.03,	144
3740.04, 3740.05, 3740.07, 3740.10, 3740.99,	145
3742.11, 3772.37, 3953.331, 3953.36, 4104.33,	146
4104.35, 4729.42, 4731.152, 4731.90, 4779.281,	147
4926.01, 4926.03, 4926.06, 4926.09, 4926.12,	148
4926.15, 4926.18, 4926.21, 4926.24, 4926.27,	149
4926.30, 4926.33, 4926.36, 4926.39, 4926.42,	150
4926.43, 4926.45, 4926.48, 4926.51, 4926.54,	151
4926.57, 4926.60, 5101.1416, 5101.1417, 5101.1418,	152
5101.545, 5101.806, 5103.163, 5119.191, 5123.025,	153
5123.026, 5123.034, 5165.261, and 5747.79; to	154
repeal sections 109.802, 117.49, 117.50, 131.50,	155

183.12, 183.13, 183.14, 183.15, 183.16, 183.17,	156
184.011, 341.121, 1503.012, 1509.76, 1509.78,	157
1533.38, 1546.24, 3301.0724, 3301.122, 3301.46,	158
3301.922, 3310.55, 3313.5316, 3313.901, 3314.033,	159
3314.085, 3314.088, 3314.30, 3314.31, 3314.37,	160
3314.53, 3317.017, 3317.029, 3317.0215, 3317.0216,	161
3317.0217, 3317.0218, 3317.0219, 3317.163,	162
3317.26, 3317.27, 3326.05, 3326.111, 3326.41,	163
3326.42, 3328.33, 3333.611, 3333.612, 3333.614,	164
3333.67, 3735.01, 3746.07, 4503.515, 5123.046,	165
5124.171, 5124.195, 5124.196, 5124.197, 5124.198,	166
5124.199, 5124.211, 5124.231, 5124.28, 5126.12,	167
5126.121, 5165.25, 5167.172, 5701.15, and 5741.032	168
of the Revised Code; to amend Section 5 of H.B.	169
123 of the 133rd General Assembly, Section 733.61	170
of H.B. 166 of the 133rd General Assembly, Section	171
12 of H.B. 197 of the 133rd General Assembly, as	172
subsequently amended, Sections 4, 5, 6, and 7 of	173
S.B. 310 of the 133rd General Assembly, Sections	174
223.10, 223.15, 223.50, and 227.10 of S.B. 310 of	175
the 133rd General Assembly, and Sections 125.10	176
and 125.11 of H.B. 59 of the 130th General	177
Assembly, as subsequently amended, and to repeal	178
Section 757.50 of H.B. 59 of the 130th General	179
Assembly; to amend the version of section 3319.227	180
of the Revised Code that is scheduled to take	181
effect April 12, 2023; to amend sections 111.15,	182
140.01, 3701.07, 3701.351, 3701.503, 3701.5010,	183
3701.63, 3701.69, 3701.83, 3702.30, 3702.31,	184
3702.51, 3702.52, 3702.521, 3702.55, 3702.592,	185
3702.593, 3705.30, 3705.41, 3711.01, 3711.02,	186
3711.04, 3711.05, 3711.06, 3711.10, 3711.12,	187
3711.14, 3711.30, 3727.70, 3781.112, 3901.40,	188

3929.67, 4723.431, 4723.481, 4730.411, 4731.31, 189
and 4761.01, to enact sections 3722.01, 3722.02, 190
3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 191
3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 192
3722.13, 3722.14, and 3722.99, and to repeal 193
sections 3702.11, 3702.12, 3702.13, 3702.14, 194
3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 195
3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 196
3727.05, 3727.06, 3727.07, and 3727.99 of the 197
Revised Code; to make operating appropriations for 198
the biennium beginning July 1, 2021, and ending 199
June 30, 2023, to levy taxes, and to provide 200
authorization and conditions for the operation of 201
state programs. 202

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

Section 101.01. That sections 3.061, 9.318, 9.821, 9.822, 203
9.83, 101.15, 102.02, 107.03, 109.08, 109.57, 109.572, 109.79, 204
111.16, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 117.13, 205
117.22, 119.12, 121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 206
122.01, 122.011, 122.041, 122.17, 122.178, 122.42, 122.60, 207
122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 208
122.77, 122.78, 122.79, 122.82, 122.87, 122.89, 122.90, 122.92, 209
123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 210
125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.112, 211
125.14, 125.18, 125.65, 125.832, 125.95, 126.37, 127.13, 128.55, 212
131.02, 131.025, 131.43, 133.06, 133.13, 135.02, 149.311, 149.434, 213
155.011, 163.62, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 214
173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 215
183.021, 183.18, 183.33, 184.01, 184.173, 307.921, 307.93, 216
319.302, 319.54, 321.27, 323.153, 323.155, 329.12, 340.02, 217
340.021, 340.03, 340.13, 341.12, 351.021, 727.01, 901.171, 901.91, 218

940.05, 955.15, 1121.30, 1181.06, 1321.21, 1322.09, 1322.10, 219
1322.20, 1322.21, 1337.11, 1503.03, 1503.05, 1503.141, 1503.33, 220
1505.09, 1509.12, 1509.13, 1509.28, 1509.70, 1509.71, 1509.72, 221
1509.73, 1509.74, 1509.75, 1509.77, 1513.08, 1521.06, 1521.061, 222
1521.40, 1521.99, 1531.01, 1531.33, 1531.35, 1533.01, 1533.101, 223
1533.11, 1533.12, 1533.321, 1546.06, 1547.59, 1551.01, 1551.33, 224
1551.35, 1561.12, 1561.23, 1703.27, 1707.37, 1710.01, 1733.321, 225
1907.15, 2133.01, 2151.011, 2151.152, 2151.412, 2151.416, 226
2151.451, 2151.452, 2151.453, 2317.54, 2329.312, 2743.01, 2743.02, 227
2743.15, 2743.16, 2743.19, 2921.36, 2927.02, 2929.15, 2929.19, 228
2929.34, 2953.25, 2967.04, 2967.17, 2967.28, 2981.13, 3107.11, 229
3107.15, 3119.01, 3301.079, 3301.0712, 3301.0714, 3301.0715, 230
3302.20, 3310.08, 3310.41, 3310.51, 3310.54, 3310.56, 3311.741, 231
3313.48, 3313.488, 3313.5315, 3313.60, 3313.603, 3313.608, 232
3313.6013, 3313.61, 3313.618, 3313.619, 3313.6113, 3313.6114, 233
3313.64, 3313.713, 3313.902, 3313.979, 3313.98, 3313.981, 234
3314.013, 3314.016, 3314.017, 3314.03, 3314.06, 3314.08, 3314.084, 235
3314.087, 3314.091, 3314.101, 3314.11, 3314.20, 3315.18, 3317.013, 236
3317.014, 3317.016, 3317.02, 3317.021, 3317.022, 3317.023, 237
3317.024, 3317.028, 3317.0212, 3317.0213, 3317.0214, 3317.03, 238
3317.051, 3317.16, 3317.20, 3317.25, 3318.038, 3319.151, 3319.221, 239
3319.227, 3319.229, 3319.236, 3319.31, 3319.311, 3319.313, 240
3319.316, 3319.39, 3319.40, 3319.57, 3319.61, 3319.99, 3324.05, 241
3324.09, 3326.02, 3326.03, 3326.032, 3326.04, 3326.07, 3326.08, 242
3326.081, 3326.11, 3326.14, 3326.23, 3326.31, 3326.32, 3326.33, 243
3326.39, 3326.40, 3326.51, 3327.01, 3327.02, 3328.18, 3328.24, 244
3328.32, 3328.34, 3333.049, 3333.31, 3333.38, 3333.61, 3333.613, 245
3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.68, 3333.69, 246
3333.79, 3333.80, 3333.801, 3333.802, 3345.32, 3365.01, 3365.02, 247
3365.03, 3365.032, 3365.04, 3365.07, 3501.302, 3701.132, 3701.362, 248
3701.501, 3701.61, 3701.613, 3701.831, 3701.881, 3701.916, 249
3703.01, 3703.03, 3709.052, 3709.06, 3709.07, 3713.02, 3717.22, 250

3717.221, 3721.02, 3734.57, 3734.85, 3734.901, 3737.17, 3737.71,	251
3741.14, 3745.014, 3745.11, 3746.01, 3746.04, 3746.071, 3746.09,	252
3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19,	253
3746.20, 3746.21, 3746.31, 3746.35, 3770.073, 3772.01, 3791.07,	254
3794.01, 3929.87, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103,	255
4141.131, 4141.21, 4141.22, 4141.51, 4141.53, 4141.55, 4301.03,	256
4301.10, 4301.12, 4301.30, 4301.42, 4301.43, 4301.62, 4303.03,	257
4303.031, 4303.071, 4303.17, 4303.2010, 4303.232, 4303.233,	258
4303.234, 4303.26, 4303.271, 4303.33, 4303.99, 4501.21, 4503.066,	259
4505.09, 4511.191, 4715.36, 4719.01, 4723.431, 4729.43, 4735.05,	260
4735.14, 4735.15, 4735.211, 4755.01, 4755.02, 4755.04, 4755.05,	261
4755.06, 4755.08, 4755.11, 4755.12, 4755.42, 4755.421, 4755.47,	262
4755.48, 4755.64, 4757.10, 4763.15, 4779.28, 4779.33, 4781.04,	263
4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02, 4927.01,	264
5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.341, 5101.63,	265
5101.802, 5101.971, 5103.02, 5103.031, 5103.0310, 5103.0316,	266
5104.01, 5104.017, 5104.07, 5104.29, 5104.34, 5107.10, 5119.27,	267
5119.33, 5119.34, 5119.36, 5119.37, 5119.43, 5119.99, 5120.035,	268
5120.62, 5123.19, 5123.35, 5123.89, 5124.01, 5124.101, 5124.15,	269
5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23,	270
5124.29, 5124.30, 5124.38, 5124.39, 5124.40, 5124.41, 5124.46,	271
5126.044, 5126.05, 5126.054, 5126.055, 5126.056, 5126.071,	272
5126.131, 5145.31, 5149.31, 5149.311, 5149.38, 5153.122, 5153.124,	273
5153.163, 5153.176, 5164.34, 5164.342, 5165.01, 5165.15, 5165.151,	274
5165.16, 5165.17, 5165.191, 5165.26, 5165.36, 5165.771, 5166.01,	275
5167.16, 5168.60, 5168.61, 5301.13, 5301.14, 5301.15, 5301.18,	276
5301.21, 5501.332, 5502.14, 5502.30, 5701.11, 5703.21, 5703.70,	277
5705.16, 5705.19, 5709.121, 5709.92, 5709.93, 5726.20, 5727.75,	278
5727.80, 5727.81, 5731.21, 5731.24, 5731.28, 5731.41, 5739.02,	279
5739.021, 5741.01, 5741.03, 5747.01, 5747.02, 5747.05, 5747.08,	280
5747.10, 5751.02, 5751.03, 5751.40, 5919.34, 6109.121, 6111.027,	281
and 6111.13 be amended; sections 9.318 (122.925), 123.151	282

(122.921), 123.152 (122.922), 123.153 (122.923), 123.154 283
(122.924), 155.011 (155.29), 1509.70 (155.30), 1509.71 (155.31), 284
1509.72 (155.32), 1509.73 (155.33), 1509.74 (155.34), 1509.75 285
(155.35), 1509.77 (155.36), 3701.881 (3740.11), 3746.071 286
(3746.07), 4303.233 (4303.236), and 4303.234 (4303.235) be 287
amended, for the purpose of adopting new section numbers as 288
indicated in parentheses; and new sections 3314.085, 3317.017, 289
3317.0215, 3317.0217, 3317.0218, 4303.233, and 4303.234 and 290
sections 9.27, 107.121, 113.70, 113.71, 113.72, 113.73, 113.74, 291
113.75, 113.76, 113.77, 117.55, 122.40, 122.401, 122.403, 122.404, 292
122.406, 122.407, 122.408, 122.4010, 122.4013, 122.4015, 122.4016, 293
122.4017, 122.4018, 122.4019, 122.4020, 122.4021, 122.4023, 294
122.4024, 122.4025, 122.4030, 122.4031, 122.4033, 122.4034, 295
122.4035, 122.4036, 122.4037, 122.4040, 122.4041, 122.4043, 296
122.4044, 122.4045, 122.4046, 122.4050, 122.4051, 122.4053, 297
122.4055, 122.4060, 122.4061, 122.4063, 122.4070, 122.4071, 298
122.4073, 122.4075, 122.4076, 122.4077, 122.851, 124.1312, 299
149.309, 173.012, 188.01, 188.02, 188.05, 188.08, 188.11, 188.14, 300
188.17, 188.20, 188.23, 188.27, 188.30, 303.251, 323.161, 505.881, 301
940.111, 1503.271, 1547.533, 1707.47, 1707.471, 1707.49, 2151.316, 302
2151.4115, 2151.4116, 2151.4117, 2151.4118, 2151.4119, 2151.4120, 303
2151.4121, 2151.4122, 3301.23, 3301.231, 3301.232, 3301.233, 304
3301.85, 3302.043, 3304.24, 3307.091, 3310.411, 3313.6026, 305
3313.905, 3314.089, 3314.0810, 3314.355, 3317.011, 3317.012, 306
3317.018, 3317.019, 3317.071, 3317.072, 3317.11, 3317.162, 307
3317.60, 3319.0812, 3319.318, 3319.319, 3319.393, 3319.394, 308
3319.47, 3326.43, 3326.44, 3327.016, 3327.017, 3327.018, 3327.021, 309
3333.125, 3333.301, 3333.615, 3345.063, 3345.82, 3365.035, 310
3375.011, 3709.012, 3721.081, 3740.01, 3740.02, 3740.03, 3740.04, 311
3740.05, 3740.07, 3740.10, 3740.99, 3742.11, 3772.37, 3953.331, 312
3953.36, 4104.33, 4104.35, 4729.42, 4731.152, 4731.90, 4779.281, 313
4926.01, 4926.03, 4926.06, 4926.09, 4926.12, 4926.15, 4926.18, 314

4926.21, 4926.24, 4926.27, 4926.30, 4926.33, 4926.36, 4926.39, 315
4926.42, 4926.43, 4926.45, 4926.48, 4926.51, 4926.54, 4926.57, 316
4926.60, 5101.1416, 5101.1417, 5101.1418, 5101.545, 5101.806, 317
5103.163, 5119.191, 5123.025, 5123.026, 5123.034, 5165.261, and 318
5747.79 of the Revised Code be enacted to read as follows: 319

Sec. 3.061. (A) As used in this section: 320

(1) "Political subdivision" means a county, township, 321
municipal corporation, school district, community school, soil and 322
water conservation district created under Chapter 940. of the 323
Revised Code, park district created under Chapter 1545. of the 324
Revised Code, library or library district specified in section 325
3375.32 of the Revised Code, juvenile facility district created 326
under section 2151.65 of the Revised Code, or detention facility 327
district created under section 2152.41 of the Revised Code. 328

(2) "Employee dishonesty and faithful performance of duty 329
policy" means a policy of insurance, or a coverage document issued 330
by a joint self-insurance pool authorized under section 2744.081 331
of the Revised Code, to protect against losses that would 332
otherwise be protected against under a surety bond and to protect 333
against other losses as determined by the political subdivision. 334

(B) A political subdivision may adopt a policy, by ordinance 335
or resolution, to allow for the use of an employee dishonesty and 336
faithful performance of duty policy, rather than a surety bond 337
that would otherwise be required by law to be given by any of the 338
following: 339

(1) The political subdivision; 340

(2) An officer, employee, or appointee of the political 341
subdivision; 342

(3) Any other entity or individual, if the entity or 343
individual is required by law to give a surety bond to the 344

political subdivision. 345

The employee dishonesty and faithful performance of duty 346
policy also may cover any other entity or individual as determined 347
by the political subdivision. 348

(C)(1) Any officer, employee, or appointee otherwise required 349
by law to give an individual surety bond to qualify for the office 350
or employment before entering upon the discharge of duties imposed 351
by the office or employment shall, before entering upon the 352
discharge of duties imposed by the office or employment, either 353
give the individual surety bond or be covered under an employee 354
dishonesty and faithful performance of duty policy that is in 355
effect and becomes applicable to the officer, employee, or 356
appointee upon the beginning of the individual's term of office or 357
employment. 358

(2) Any officer, employee, or appointee otherwise required by 359
law to maintain an individual surety bond to continue being 360
entitled to discharge the duties of the office or employment may, 361
during the individual's term or employment, become covered under 362
an employee dishonesty and faithful performance of duty policy. 363

(D) For a political subdivision that has adopted a policy as 364
authorized under this section, all of the following apply: 365

(1) An officer, employee, or appointee otherwise required by 366
law to give an individual surety bond shall not commence or 367
continue the discharge of duties until coverage is documented as 368
required by the legislative authority. A lack of coverage on the 369
date on which the discharge of duties are commenced or continued 370
by the individual shall render the office vacant and it shall be 371
filled as required by law. 372

(2) Notwithstanding any section of the Revised Code requiring 373
an officer, employee, or appointee of a political subdivision to 374
give bond before being entitled to enter upon the duties of the 375

office or employment, an officer, employee, or appointee shall be 376
considered qualified to hold the office or employment, without 377
giving bond, on the date the oath of office is taken, certified, 378
and filed as required by law. 379

(3) Notwithstanding any section of the Revised Code requiring 380
an officer, employee, or appointee of a political subdivision to 381
maintain bond to continue being entitled to discharge the duties 382
of the office or employment, an officer, employee, or appointee 383
who becomes covered under an employee dishonesty and faithful 384
performance of duty policy during the individual's term or 385
employment and who remains covered under the employee dishonesty 386
and faithful performance of duty policy for the duration of the 387
individual's term or employment shall be considered qualified to 388
hold the office or employment, without maintaining bond for the 389
duration of the individual's term or employment as required by 390
law. 391

(4) Notwithstanding section 3.30 or any other section of the 392
Revised Code that provides an office or employment is vacated upon 393
the failure to file bond, the officer, employee, or appointee 394
shall be entitled to enter upon the duties of the office or 395
employment when the policy is in effect as provided in division 396
(B) of this section and the oath is filed as provided in division 397
(D)(2) of this section. 398

(5) All officers, employees, or appointees who would 399
otherwise be required to file a bond before commencing the 400
discharge of duties shall be covered by and are subject to the 401
employee dishonesty and faithful performance of duty policy 402
instead of a surety bond requirement. 403

(6) The coverage amount for an officer, employee, or 404
appointee under an employee dishonesty and faithful performance of 405
duty policy shall be equal to or greater than the maximum amount 406
of the bond otherwise required by law. If no amount, or only a 407

minimum amount, of coverage is specified in law for the particular 408
officer, employee, or appointee, the amount of coverage shall be 409
an amount agreed upon by the legislative authority or the 410
authority otherwise designated by law to determine the amount of 411
the bond. 412

(E) A political subdivision that does not adopt a policy 413
under this section shall continue to use the surety bonds as 414
otherwise provided in the Revised Code. 415

(F) Nothing in this section relieves an officer, employee, or 416
appointee of other applicable requirements to hold the office or 417
employment. 418

Sec. 9.27. (A) As used in this section, "state" and "state 419
agency" mean the state of Ohio, including the general assembly, 420
the supreme court, the offices of all elected state officers, and 421
all departments, boards, offices, commissions, agencies, 422
institutions, and other instrumentalities of the state of Ohio. 423

(B) Except as otherwise required or permitted by state or 424
federal law, a contract entered into by the state for the 425
procurement of goods or services shall not include any of the 426
following: 427

(1) A provision that requires the state to indemnify or hold 428
harmless another person. 429

(2) A provision by which the state agrees to binding 430
arbitration or any other binding extra-judicial dispute resolution 431
process. 432

(3) A provision that names a venue for any action or dispute 433
against the state other than a court of proper jurisdiction in 434
Franklin county, Ohio. 435

(4) A provision that requires the state to agree to limit the 436
liability for any direct loss to the state for bodily injury, 437

death, or damage to property of the state caused by the 438
negligence, intentional or willful misconduct, fraudulent act, 439
recklessness, or other tortious conduct of a person or a person's 440
employees or agents, or a provision that would otherwise impose an 441
indemnification obligation on the state. 442

(5) A provision that requires the state to be bound by a term 443
or condition that is unknown to the state at the time of signing a 444
contract, that is not specifically negotiated with the state, that 445
may be unilaterally changed by the other party, or that is 446
electronically accepted by a state employee. 447

(6) A provision that provides for a person other than the 448
attorney general to serve as legal counsel for the state or for 449
any state agency, unless allowed for under the process set forth 450
in section 109.07 of the Revised Code. 451

(7) A provision that is inconsistent with the state's 452
obligations under section 149.43 of the Revised Code. 453

(8) A provision for automatic renewal such that state funds 454
are or would be obligated in subsequent fiscal years. 455

(9) A provision that limits the state's ability to recover 456
the cost of cover for a replacement contractor. 457

(C) If a contract contains a term or condition described in 458
division (B) of this section, the term or condition is void ab 459
initio, and the contract containing that term or condition 460
otherwise shall be enforceable as if it did not contain such term 461
or condition. 462

(D) A contract that contains a term or condition described in 463
division (B) of this section shall be governed by and construed in 464
accordance with Ohio law notwithstanding any term or condition to 465
the contrary in the contract. 466

(E) This section does not apply to a contract in effect 467

before the effective date of this section or to the renewal or 468
extension of a contract in effect before the effective date of 469
this section. 470

Sec. 9.821. (A) The department of administrative services 471
shall direct and manage for state agencies all risk management and 472
insurance programs authorized under section 9.822 of the Revised 473
Code. 474

(B) The office of risk management is hereby established 475
within the department of administrative services. The director of 476
administrative services, or a deputy director appointed by the 477
director, shall control and supervise the office. 478

(C) The office may take any of the following actions that it 479
determines to be in the best interests of the state: 480

(1) Provide all insurance coverages for the state, including, 481
but not limited to, ~~automobile~~ vehicle liability, casualty, 482
property, public liability, and fidelity bonding. The cost of 483
insurance coverage shall be paid from appropriations made to the 484
state agencies that the office has designated to receive the 485
coverage. 486

(2) Provide coverage of legal expenses that are necessary and 487
related to the legal defense of claims against the state; 488

(3) Purchase insurance policies consistent with sections 489
125.01 to 125.111 of the Revised Code, develop and administer 490
self-insurance programs, or do both; 491

(4) Consolidate and combine state insurance coverages; 492

(5) Provide technical services in risk management and 493
insurance to state agencies; 494

(6) Adopt and publish, in accordance with section 111.15 of 495
the Revised Code, necessary rules and procedures governing the 496
administration of the state's insurance and risk management 497

activities. 498

(D) No state agency, except a state agency exempted under 499
section 125.02 or 125.04 of the Revised Code from the department's 500
purchasing authority, shall purchase any insurance described in 501
this section except as authorized by the department, when the 502
office of risk management determines that the purchase is in the 503
best interest of the state pursuant to division (C)(1) of this 504
section, and in accordance with terms, conditions, and procurement 505
methods established by the department. 506

(E) With respect to any civil action, demand, or claim 507
against the state that could be filed in the court of claims, 508
nothing in sections 9.82 to 9.823 of the Revised Code shall be 509
interpreted to permit the settlement or compromise of those civil 510
actions, demands, or claims, except in the manner provided in 511
Chapter 2743. of the Revised Code. 512

(F) The department of administrative services and the office 513
of risk management, while acting pursuant to the responsibilities 514
prescribed in sections 9.82 to 9.83 of the Revised Code, are 515
performing a public duty, as defined in section 2743.01 of the 516
Revised Code. 517

Sec. 9.822. (A) The department of administrative services 518
through the office of risk management shall establish an insurance 519
plan or plans that may provide for self-insurance or the purchase 520
of insurance, or both, for ~~either~~ any of the following purposes: 521

(1) Insuring state real and personal property against losses 522
occasioned by fire, windstorm, or other accidents and perils; 523

(2) Insuring the state and its officers and employees against 524
liability resulting from any civil action, demand, or claim 525
against the state or its officers and employees arising out of any 526
act or omission of an officer or employee in the performance of 527

official duties, except acts and omissions for which 528
indemnification is prohibited under section 9.87 of the Revised 529
Code; 530

(3) Insuring and maintaining a judicial liability program. 531

(B) The department of administrative services through the 532
office of risk management shall establish ~~one or more insurance~~ 533
~~plans that provide for the purchase of insurance and administer a~~ 534
crime and bond program for the purpose of insuring the state 535
~~through the fidelity bonding of state officers, employees, and~~ 536
~~agents who are required by law to provide a fidelity bond. Nothing~~ 537
~~in this section shall be construed to allow the department of~~ 538
~~administrative services through the office of risk management to~~ 539
~~administer the state's fidelity bonding program through a program~~ 540
~~of self insurance. and third parties against loss due to the~~ 541
dishonest acts of state officers, employees, and agents. In 542
addition, public official bonds shall be purchased for all 543
officials and employees who are required by law to provide a bond. 544
Such bonds may be in the form of a blanket bond, or scheduled 545
position bond, provided the penal sums meet the statutory 546
requirement. 547

Sec. 9.83. (A) The state and any political subdivision may 548
procure a policy or policies of insurance insuring its officers 549
and employees against liability for injury, death, or loss to 550
person or property that ~~arises out of the operation of an~~ 551
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 552
~~self propelling equipment or trailer, aircraft, or watercraft by~~ 553
~~the officers or employees while engaged~~ occurs in the course of 554
their employment or official responsibilities for the state or the 555
political subdivision. The state is authorized to expend funds to 556
pay judgments that are rendered in any court against its officers 557
or employees ~~and that result from such operation,~~ and is 558

authorized to expend funds to compromise claims for liability 559
against its officers or employees ~~that result from such operation.~~ 560
No insurer shall deny coverage under such a policy, and the state 561
shall not refuse to pay judgments or compromise claims, on the 562
ground that an automobile, truck, motor vehicle with auxiliary 563
equipment, self-propelling equipment or trailer, aircraft, or 564
watercraft was not being used in the course of an officer's or 565
employee's employment or official responsibilities for the state 566
or a political subdivision unless the officer or employee who was 567
operating an automobile, truck, motor vehicle with auxiliary 568
equipment, or self-propelling equipment or trailer is convicted of 569
a violation of section 124.71 of the Revised Code as a result of 570
the same events. 571

(B) Funds shall be reserved as necessary, in the exercise of 572
sound and prudent actuarial judgment, to cover potential expense, 573
fees, damage, loss, or other liability. The office of risk 574
management may recommend or, if the state requests of the office 575
of risk management, shall recommend a specific amount for any 576
period of time that, in the opinion of the office of risk 577
management, represents such a judgment. 578

(C) Nothing in this section shall be construed to require the 579
department of administrative services to purchase liability 580
insurance for all ~~state vehicles~~ liabilities in a single policy of 581
insurance or to cover all ~~state vehicles~~ liabilities under a 582
single plan of self-insurance. 583

(D) Insurance procured by the state pursuant to this section 584
shall be procured as provided in division (G) of section 125.02 of 585
the Revised Code. 586

(E) For purposes of liability insurance procured under this 587
section to cover the operation of a motor vehicle by a prisoner 588
for whom the insurance is procured, "employee" includes a prisoner 589
in the custody of the department of rehabilitation and correction 590

who is enrolled in a work program that is established by the 591
department pursuant to section 5145.16 of the Revised Code and in 592
which the prisoner is required to operate a motor vehicle, as 593
defined in section 4509.01 of the Revised Code, and who is engaged 594
in the operation of a motor vehicle in the course of the work 595
program. 596

(F) All contributions collected by the director of 597
administrative services under division (H) of this section shall 598
be deposited into the risk management reserve fund created in 599
section 9.823 of the Revised Code to the credit of the ~~vehicle~~ 600
liability program. 601

(G) Reserves shall be maintained in the risk management 602
reserve fund to the credit of the ~~vehicle~~ liability program in any 603
amount that is necessary and adequate, in the exercise of sound 604
and prudent actuarial judgment, to cover potential liability 605
claims, expenses, fees, or damages. Money in the fund may be 606
applied to the payment of liability claims that are filed against 607
the state in the court of claims and determined in the manner 608
provided in Chapter 2743. of the Revised Code. The director of 609
administrative services may procure the services of a qualified 610
actuarial firm for the purpose of recommending the specific amount 611
of money that is required to maintain adequate reserves for a 612
specified period of time. 613

(H) The director of administrative services shall collect 614
from each state agency or any participating state body its 615
contribution to the ~~vehicle~~ liability program for the purpose of 616
purchasing insurance or administering self-insurance programs for 617
coverage authorized under this section. The amount of the 618
contribution shall be determined by the director, with the 619
approval of the director of budget and management. It shall be 620
based upon actuarial assumptions and the relative risk and loss 621
experience of each state agency or participating state body. The 622

amount of the contribution also shall include a reasonable sum to 623
cover administrative costs of the department of administrative 624
services. The amounts collected pursuant to this division shall be 625
deposited in the risk management reserve fund to the credit of the 626
vehicle liability program. 627

Sec. 101.15. (A) As used in this section: 628

(1) "Caucus" means all of the members of either house of the 629
general assembly who are members of the same political party. 630

(2) "Committee" means any committee of either house of the 631
general assembly, a joint committee of both houses of the general 632
assembly, including a committee of conference, or a subcommittee 633
of any committee listed in division (A)(2) of this section. 634

(3) "Meeting" means any prearranged discussion of the public 635
business of a committee by a majority of its members. 636

(4) "Standing committee caucus" means all of the members of a 637
standing committee of either house of the general assembly who are 638
members of the same political party. 639

(B) Except as otherwise provided in division (F) of this 640
section, all meetings of any committee are declared to be public 641
meetings open to the public at all times. The secretary assigned 642
to the chairperson of the committee shall prepare, file, and 643
maintain the minutes of every regular or special meeting of a 644
committee. The committee, at its next regular or special meeting, 645
shall approve the minutes prepared, filed, and maintained by the 646
secretary, or, if the minutes prepared, filed, and maintained by 647
the secretary require correction before their approval, the 648
committee shall correct and approve the minutes at the next 649
following regular or special meeting. The committee shall make the 650
minutes available for public inspection not later than seven days 651
after the meeting the minutes reflect or not later than the 652

committee's next regular or special meeting, whichever occurs 653
first. 654

(C) Each committee shall establish a reasonable method 655
whereby any person may determine the time and place of all 656
regularly scheduled meetings and the time, place, and purpose of 657
all special meetings. No committee shall hold a regular or special 658
meeting unless it gives at least twenty-four hours' advance notice 659
to the news media that have requested notification. 660

The method established by each committee shall provide that, 661
upon request and payment of a reasonable fee, any person may 662
obtain reasonable advance notification of all meetings at which 663
any specific type of public business will be discussed. Provisions 664
for advance notification may include, but are not limited to, 665
mailing the agenda of meetings to all subscribers on a mailing 666
list or mailing notices in self-addressed stamped envelopes 667
provided by the person who desires advance notification. 668

(D) Any action of a committee relating to a bill or 669
resolution, or any other formal action of a committee, is invalid 670
unless taken in an open meeting of the committee. Any action of a 671
committee relating to a bill or resolution, or any other formal 672
action of a committee, taken in an open meeting is invalid if it 673
results from deliberations in a meeting not open to the public. 674

(E)(1) Any person may bring an action to enforce this 675
section. An action under this division shall be brought within two 676
years after the date of the alleged violation or threatened 677
violation. Upon proof of a violation or threatened violation of 678
this section in an action brought by any person, the court of 679
common pleas shall issue an injunction to compel the members of 680
the committee to comply with its provisions. 681

(2)(a) If the court of common pleas issues an injunction 682
under division (E)(1) of this section, the court shall order the 683

committee that it enjoins to pay a civil forfeiture of five 684
hundred dollars to the party that sought the injunction and shall 685
award to that party all court costs and, subject to reduction as 686
described in this division, reasonable attorney's fees. The court, 687
in its discretion, may reduce an award of attorney's fees to the 688
party that sought the injunction or not award attorney's fees to 689
that party if the court determines both of the following: 690

(i) That, based on the ordinary application of statutory law 691
and case law as it existed at the time of the violation or 692
threatened violation that was the basis of the injunction, a 693
well-informed committee reasonably would believe that the 694
committee was not violating or threatening to violate this 695
section; 696

(ii) That a well-informed committee reasonably would believe 697
that the conduct or threatened conduct that was the basis of the 698
injunction would serve the public policy that underlies the 699
authority that is asserted as permitting that conduct or 700
threatened conduct. 701

(b) If the court of common pleas does not issue an injunction 702
under division (E)(1) of this section and the court determines at 703
that time that the bringing of the action was frivolous conduct as 704
defined in division (A) of section 2323.51 of the Revised Code, 705
the court shall award to the committee all court costs and 706
reasonable attorney's fees, as determined by the court. 707

(3) Irreparable harm and prejudice to the party that sought 708
the injunction shall be conclusively and irrebuttably presumed 709
upon proof of a violation or threatened violation of this section. 710

(4) A member of a committee who knowingly violates an 711
injunction issued under division (E)(1) of this section may be 712
removed from office by an action brought in the court of common 713
pleas for that purpose by the prosecuting attorney of Franklin 714

county or by the attorney general. 715

(5) The remedies described in divisions (E)(1) to (4) of this 716
section shall be the exclusive remedies for a violation of this 717
section. 718

(F) This section does not apply to or affect either of the 719
following: 720

(1) All meetings of the joint legislative ethics committee 721
created under section 101.34 of the Revised Code other than a 722
meeting that is held for any of the following purposes: 723

(a) To consider the adoption, amendment, or rescission of any 724
rule that the joint legislative ethics committee is authorized to 725
adopt pursuant to division (B)(11) of section 101.34, division (E) 726
of section 101.78, division (B) of section 102.02, or division (E) 727
of section 121.68 of the Revised Code; 728

(b) To discuss and consider changes to any administrative 729
operation of the joint legislative ethics committee other than any 730
matter described in division (G) of section 121.22 of the Revised 731
Code; 732

(c) To discuss pending or proposed legislation. 733

(2) Meetings of a caucus; 734

(3) Meetings of a standing committee caucus. 735

(G) For purposes of division (F)(1)(a) of this section, an 736
advisory opinion, written opinion, or decision relative to a 737
complaint is not a rule. 738

Sec. 102.02. (A)(1) Except as otherwise provided in division 739
(H) of this section, all of the following shall file with the 740
appropriate ethics commission the disclosure statement described 741
in this division on a form prescribed by the appropriate 742
commission: every person who is elected to or is a candidate for a 743

state, county, or city office and every person who is appointed to 744
fill a vacancy for an unexpired term in such an elective office; 745
all members of the state board of education; the director, 746
assistant directors, deputy directors, division chiefs, or persons 747
of equivalent rank of any administrative department of the state; 748
the president or other chief administrative officer of every state 749
institution of higher education as defined in section 3345.011 of 750
the Revised Code; the executive director and the members of the 751
capitol square review and advisory board appointed or employed 752
pursuant to section 105.41 of the Revised Code; all members of the 753
Ohio casino control commission, the executive director of the 754
commission, all professional employees of the commission, and all 755
technical employees of the commission who perform an internal 756
audit function; the individuals set forth in division (B)(2) of 757
section 187.03 of the Revised Code; the chief executive officer 758
and the members of the board of each state retirement system; each 759
employee of a state retirement board who is a state retirement 760
system investment officer licensed pursuant to section 1707.163 of 761
the Revised Code; the members of the Ohio retirement study council 762
appointed pursuant to division (C) of section 171.01 of the 763
Revised Code; employees of the Ohio retirement study council, 764
other than employees who perform purely administrative or clerical 765
functions; the administrator of workers' compensation and each 766
member of the bureau of workers' compensation board of directors; 767
the bureau of workers' compensation director of investments; the 768
chief investment officer of the bureau of workers' compensation; 769
all members of the board of commissioners on grievances and 770
discipline of the supreme court and the ethics commission created 771
under section 102.05 of the Revised Code; every business manager, 772
treasurer, or superintendent of a city, local, exempted village, 773
joint vocational, or cooperative education school district or an 774
educational service center; every person who is elected to or is a 775
candidate for the office of member of a board of education of a 776

city, local, exempted village, joint vocational, or cooperative 777
education school district or of a governing board of an 778
educational service center that has a total student count of 779
twelve thousand or more as most recently determined by the 780
department of education pursuant to section 3317.03 of the Revised 781
Code; every person who is appointed to the board of education of a 782
municipal school district pursuant to division (B) or (F) of 783
section 3311.71 of the Revised Code; all members of the board of 784
directors of a sanitary district that is established under Chapter 785
6115. of the Revised Code and organized wholly for the purpose of 786
providing a water supply for domestic, municipal, and public use, 787
and that includes two municipal corporations in two counties; 788
every public official or employee who is paid a salary or wage in 789
accordance with schedule C of section 124.15 or schedule E-2 of 790
section 124.152 of the Revised Code; ~~members of the board of~~ 791
~~trustees and the executive director of the southern Ohio~~ 792
~~agricultural and community development foundation;~~ all members 793
appointed to the Ohio livestock care standards board under section 794
904.02 of the Revised Code; all entrepreneurs in residence 795
assigned by the LeanOhio office in the department of 796
administrative services under section 125.65 of the Revised Code 797
and every other public official or employee who is designated by 798
the appropriate ethics commission pursuant to division (B) of this 799
section. 800

(2) The disclosure statement shall include all of the 801
following: 802

(a) The name of the person filing the statement and each 803
member of the person's immediate family and all names under which 804
the person or members of the person's immediate family do 805
business; 806

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 807
section and except as otherwise provided in section 102.022 of the 808

Revised Code, identification of every source of income, other than 809
income from a legislative agent identified in division 810
(A)(2)(b)(ii) of this section, received during the preceding 811
calendar year, in the person's own name or by any other person for 812
the person's use or benefit, by the person filing the statement, 813
and a brief description of the nature of the services for which 814
the income was received. If the person filing the statement is a 815
member of the general assembly, the statement shall identify the 816
amount of every source of income received in accordance with the 817
following ranges of amounts: zero or more, but less than one 818
thousand dollars; one thousand dollars or more, but less than ten 819
thousand dollars; ten thousand dollars or more, but less than 820
twenty-five thousand dollars; twenty-five thousand dollars or 821
more, but less than fifty thousand dollars; fifty thousand dollars 822
or more, but less than one hundred thousand dollars; and one 823
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 824
section shall not be construed to require a person filing the 825
statement who derives income from a business or profession to 826
disclose the individual items of income that constitute the gross 827
income of that business or profession, except for those individual 828
items of income that are attributable to the person's or, if the 829
income is shared with the person, the partner's, solicitation of 830
services or goods or performance, arrangement, or facilitation of 831
services or provision of goods on behalf of the business or 832
profession of clients, including corporate clients, who are 833
legislative agents. A person who files the statement under this 834
section shall disclose the identity of and the amount of income 835
received from a person who the public official or employee knows 836
or has reason to know is doing or seeking to do business of any 837
kind with the public official's or employee's agency. 838

(ii) If the person filing the statement is a member of the 839
general assembly, the statement shall identify every source of 840
income and the amount of that income that was received from a 841

legislative agent during the preceding calendar year, in the 842
person's own name or by any other person for the person's use or 843
benefit, by the person filing the statement, and a brief 844
description of the nature of the services for which the income was 845
received. Division (A)(2)(b)(ii) of this section requires the 846
disclosure of clients of attorneys or persons licensed under 847
section 4732.12 of the Revised Code, or patients of persons 848
licensed under section 4731.14 of the Revised Code, if those 849
clients or patients are legislative agents. Division (A)(2)(b)(ii) 850
of this section requires a person filing the statement who derives 851
income from a business or profession to disclose those individual 852
items of income that constitute the gross income of that business 853
or profession that are received from legislative agents. 854

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 855
of this section, division (A)(2)(b)(i) of this section applies to 856
attorneys, physicians, and other persons who engage in the 857
practice of a profession and who, pursuant to a section of the 858
Revised Code, the common law of this state, a code of ethics 859
applicable to the profession, or otherwise, generally are required 860
not to reveal, disclose, or use confidences of clients, patients, 861
or other recipients of professional services except under 862
specified circumstances or generally are required to maintain 863
those types of confidences as privileged communications except 864
under specified circumstances. Division (A)(2)(b)(i) of this 865
section does not require an attorney, physician, or other 866
professional subject to a confidentiality requirement as described 867
in division (A)(2)(b)(iii) of this section to disclose the name, 868
other identity, or address of a client, patient, or other 869
recipient of professional services if the disclosure would 870
threaten the client, patient, or other recipient of professional 871
services, would reveal details of the subject matter for which 872
legal, medical, or professional advice or other services were 873
sought, or would reveal an otherwise privileged communication 874

involving the client, patient, or other recipient of professional 875
services. Division (A)(2)(b)(i) of this section does not require 876
an attorney, physician, or other professional subject to a 877
confidentiality requirement as described in division 878
(A)(2)(b)(iii) of this section to disclose in the brief 879
description of the nature of services required by division 880
(A)(2)(b)(i) of this section any information pertaining to 881
specific professional services rendered for a client, patient, or 882
other recipient of professional services that would reveal details 883
of the subject matter for which legal, medical, or professional 884
advice was sought or would reveal an otherwise privileged 885
communication involving the client, patient, or other recipient of 886
professional services. 887

(c) The name of every corporation on file with the secretary 888
of state that is incorporated in this state or holds a certificate 889
of compliance authorizing it to do business in this state, trust, 890
business trust, partnership, or association that transacts 891
business in this state in which the person filing the statement or 892
any other person for the person's use and benefit had during the 893
preceding calendar year an investment of over one thousand dollars 894
at fair market value as of the thirty-first day of December of the 895
preceding calendar year, or the date of disposition, whichever is 896
earlier, or in which the person holds any office or has a 897
fiduciary relationship, and a description of the nature of the 898
investment, office, or relationship. Division (A)(2)(c) of this 899
section does not require disclosure of the name of any bank, 900
savings and loan association, credit union, or building and loan 901
association with which the person filing the statement has a 902
deposit or a withdrawable share account. 903

(d) All fee simple and leasehold interests to which the 904
person filing the statement holds legal title to or a beneficial 905
interest in real property located within the state, excluding the 906

person's residence and property used primarily for personal 907
recreation; 908

(e) The names of all persons residing or transacting business 909
in the state to whom the person filing the statement owes, in the 910
person's own name or in the name of any other person, more than 911
one thousand dollars. Division (A)(2)(e) of this section shall not 912
be construed to require the disclosure of debts owed by the person 913
resulting from the ordinary conduct of a business or profession or 914
debts on the person's residence or real property used primarily 915
for personal recreation, except that the superintendent of 916
financial institutions and any deputy superintendent of banks 917
shall disclose the names of all state-chartered banks and all bank 918
subsidiary corporations subject to regulation under section 919
1109.44 of the Revised Code to whom the superintendent or deputy 920
superintendent owes any money. 921

(f) The names of all persons residing or transacting business 922
in the state, other than a depository excluded under division 923
(A)(2)(c) of this section, who owe more than one thousand dollars 924
to the person filing the statement, either in the person's own 925
name or to any person for the person's use or benefit. Division 926
(A)(2)(f) of this section shall not be construed to require the 927
disclosure of clients of attorneys or persons licensed under 928
section 4732.12 of the Revised Code, or patients of persons 929
licensed under section 4731.14 of the Revised Code, nor the 930
disclosure of debts owed to the person resulting from the ordinary 931
conduct of a business or profession. 932

(g) Except as otherwise provided in section 102.022 of the 933
Revised Code, the source of each gift of over seventy-five 934
dollars, or of each gift of over twenty-five dollars received by a 935
member of the general assembly from a legislative agent, received 936
by the person in the person's own name or by any other person for 937
the person's use or benefit during the preceding calendar year, 938

except gifts received by will or by virtue of section 2105.06 of 939
the Revised Code, or received from spouses, parents, grandparents, 940
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 941
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 942
fathers-in-law, mothers-in-law, or any person to whom the person 943
filing the statement stands in loco parentis, or received by way 944
of distribution from any inter vivos or testamentary trust 945
established by a spouse or by an ancestor; 946

(h) Except as otherwise provided in section 102.022 of the 947
Revised Code, identification of the source and amount of every 948
payment of expenses incurred for travel to destinations inside or 949
outside this state that is received by the person in the person's 950
own name or by any other person for the person's use or benefit 951
and that is incurred in connection with the person's official 952
duties, except for expenses for travel to meetings or conventions 953
of a national or state organization to which any state agency, 954
including, but not limited to, any legislative agency or state 955
institution of higher education as defined in section 3345.011 of 956
the Revised Code, pays membership dues, or any political 957
subdivision or any office or agency of a political subdivision 958
pays membership dues; 959

(i) Except as otherwise provided in section 102.022 of the 960
Revised Code, identification of the source of payment of expenses 961
for meals and other food and beverages, other than for meals and 962
other food and beverages provided at a meeting at which the person 963
participated in a panel, seminar, or speaking engagement or at a 964
meeting or convention of a national or state organization to which 965
any state agency, including, but not limited to, any legislative 966
agency or state institution of higher education as defined in 967
section 3345.011 of the Revised Code, pays membership dues, or any 968
political subdivision or any office or agency of a political 969
subdivision pays membership dues, that are incurred in connection 970

with the person's official duties and that exceed one hundred 971
dollars aggregated per calendar year; 972

(j) If the disclosure statement is filed by a public official 973
or employee described in division (B)(2) of section 101.73 of the 974
Revised Code or division (B)(2) of section 121.63 of the Revised 975
Code who receives a statement from a legislative agent, executive 976
agency lobbyist, or employer that contains the information 977
described in division (F)(2) of section 101.73 of the Revised Code 978
or division (G)(2) of section 121.63 of the Revised Code, all of 979
the nondisputed information contained in the statement delivered 980
to that public official or employee by the legislative agent, 981
executive agency lobbyist, or employer under division (F)(2) of 982
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 983

(3) A person may file a statement required by this section in 984
person, by mail, or by electronic means. 985

(4) A person who is required to file a statement under this 986
section shall file that statement according to the following 987
deadlines, as applicable: 988

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 989
and (d) of this section, the person shall file the statement not 990
later than the fifteenth day of May of each year. 991

(b) A person who is a candidate for elective office shall 992
file the statement no later than the thirtieth day before the 993
primary, special, or general election at which the candidacy is to 994
be voted on, whichever election occurs soonest, except that a 995
person who is a write-in candidate shall file the statement no 996
later than the twentieth day before the earliest election at which 997
the person's candidacy is to be voted on. 998

(c) A person who is appointed to fill a vacancy for an 999
unexpired term in an elective office shall file the statement 1000
within fifteen days after the person qualifies for office. 1001

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days after appointment or employment.

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

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

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

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

Disclosure statements filed under this division with the Ohio

ethics commission by members of boards, commissions, or bureaus of 1033
the state for which no compensation is received other than 1034
reasonable and necessary expenses shall be kept confidential. 1035
Disclosure statements filed with the Ohio ethics commission under 1036
division (A) of this section by business managers, treasurers, and 1037
superintendents of city, local, exempted village, joint 1038
vocational, or cooperative education school districts or 1039
educational service centers shall be kept confidential, except 1040
that any person conducting an audit of any such school district or 1041
educational service center pursuant to Chapter 117. of the Revised 1042
Code may examine the disclosure statement of any business manager, 1043
treasurer, or superintendent of that school district or 1044
educational service center. Disclosure statements filed with the 1045
Ohio ethics commission under division (A) of this section by the 1046
individuals set forth in division (B)(2) of section 187.03 of the 1047
Revised Code shall be kept confidential. The Ohio ethics 1048
commission shall examine each disclosure statement required to be 1049
kept confidential to determine whether a potential conflict of 1050
interest exists for the person who filed the disclosure statement. 1051
A potential conflict of interest exists if the private interests 1052
of the person, as indicated by the person's disclosure statement, 1053
might interfere with the public interests the person is required 1054
to serve in the exercise of the person's authority and duties in 1055
the person's office or position of employment. If the commission 1056
determines that a potential conflict of interest exists, it shall 1057
notify the person who filed the disclosure statement and shall 1058
make the portions of the disclosure statement that indicate a 1059
potential conflict of interest subject to public inspection in the 1060
same manner as is provided for other disclosure statements. Any 1061
portion of the disclosure statement that the commission determines 1062
does not indicate a potential conflict of interest shall be kept 1063
confidential by the commission and shall not be made subject to 1064
public inspection, except as is necessary for the enforcement of 1065

Chapters 102. and 2921. of the Revised Code and except as 1066
otherwise provided in this division. 1067

(C) No person shall knowingly fail to file, on or before the 1068
applicable filing deadline established under this section, a 1069
statement that is required by this section. 1070

(D) No person shall knowingly file a false statement that is 1071
required to be filed under this section. 1072

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1073
section, the statement required by division (A) or (B) of this 1074
section shall be accompanied by a filing fee of sixty dollars. 1075

(2) The statement required by division (A) of this section 1076
shall be accompanied by the following filing fee to be paid by the 1077
person who is elected or appointed to, or is a candidate for, any 1078
of the following offices: 1079

For state office, except member of the		1080
state board of education	\$95	1081
For office of member of general assembly	\$40	1082
For county office	\$60	1083
For city office	\$35	1084
For office of member of the state board		1085
of education	\$35	1086
For office of member of a city, local,		1087
exempted village, or cooperative		1088
education board of		1089
education or educational service		1090
center governing board	\$30	1091
For position of business manager,		1092
treasurer, or superintendent of a		1093
city, local, exempted village, joint		1094
vocational, or cooperative education		1095
school district or		1096

educational service center \$30 1097

(3) No judge of a court of record or candidate for judge of a 1098
court of record, and no referee or magistrate serving a court of 1099
record, shall be required to pay the fee required under division 1100
(E)(1) or (2) or (F) of this section. 1101

(4) For any public official who is appointed to a nonelective 1102
office of the state and for any employee who holds a nonelective 1103
position in a public agency of the state, the state agency that is 1104
the primary employer of the state official or employee shall pay 1105
the fee required under division (E)(1) or (F) of this section. 1106

(F) If a statement required to be filed under this section is 1107
not filed by the date on which it is required to be filed, the 1108
appropriate ethics commission shall assess the person required to 1109
file the statement a late filing fee of ten dollars for each day 1110
the statement is not filed, except that the total amount of the 1111
late filing fee shall not exceed two hundred fifty dollars. 1112

(G)(1) The appropriate ethics commission other than the Ohio 1113
ethics commission and the joint legislative ethics committee shall 1114
deposit all fees it receives under divisions (E) and (F) of this 1115
section into the general revenue fund of the state. 1116

(2) The Ohio ethics commission shall deposit all receipts, 1117
including, but not limited to, fees it receives under divisions 1118
(E) and (F) of this section, investigative or other fees, costs, 1119
or other funds it receives as a result of court orders, and all 1120
moneys it receives from settlements under division (G) of section 1121
102.06 of the Revised Code, into the Ohio ethics commission fund, 1122
which is hereby created in the state treasury. All moneys credited 1123
to the fund shall be used solely for expenses related to the 1124
operation and statutory functions of the commission. 1125

(3) The joint legislative ethics committee shall deposit all 1126
receipts it receives from the payment of financial disclosure 1127

statement filing fees under divisions (E) and (F) of this section 1128
into the joint legislative ethics committee investigative and 1129
financial disclosure fund. 1130

(H) Division (A) of this section does not apply to a person 1131
elected or appointed to the office of precinct, ward, or district 1132
committee member under Chapter 3517. of the Revised Code; a 1133
presidential elector; a delegate to a national convention; village 1134
or township officials and employees; any physician or psychiatrist 1135
who is paid a salary or wage in accordance with schedule C of 1136
section 124.15 or schedule E-2 of section 124.152 of the Revised 1137
Code and whose primary duties do not require the exercise of 1138
administrative discretion; or any member of a board, commission, 1139
or bureau of any county or city who receives less than one 1140
thousand dollars per year for serving in that position. 1141

Sec. 107.03. (A) As used in this section, "transportation 1142
budget" means the biennial budget that primarily includes the 1143
following: 1144

(1) Motor fuel excise tax-related appropriations for the 1145
department of transportation, public works commission, and 1146
development services agency; 1147

(2) Other appropriations that pertain to transportation and 1148
infrastructure related to transportation. 1149

(B) The governor shall submit a transportation budget to the 1150
general assembly not later than four weeks after the general 1151
assembly's organization. 1152

(C) The governor shall submit to the general assembly, not 1153
later than four weeks after its organization, a state budget 1154
containing a complete financial plan for the ensuing fiscal 1155
biennium, excluding items of revenue and expenditure described in 1156
section 126.022 of the Revised Code. However, in years of a new 1157

governor's inauguration, this budget shall be submitted not later 1158
than the fifteenth day of March. 1159

(D) In years of a new governor's inauguration, only the new 1160
governor shall submit a budget to the general assembly. In 1161
addition to other things required by law, each of the governor's 1162
budgets shall contain: 1163

(1) A general budget summary by function and agency setting 1164
forth the proposed total expenses from each and all funds and the 1165
anticipated resources for meeting such expenses; such resources to 1166
include any available balances in the several funds at the 1167
beginning of the biennium and a classification by totals of all 1168
revenue receipts estimated to accrue during the biennium under 1169
existing law and proposed legislation. 1170

(2) A detailed statement showing the amounts recommended to 1171
be appropriated from each fund for each fiscal year of the 1172
biennium for current expenses, including, but not limited to, 1173
personal services, supplies and materials, equipment, subsidies 1174
and revenue distribution, merchandise for resale, transfers, and 1175
nonexpense disbursements, obligations, interest on debt, and 1176
retirement of debt, and for the biennium for capital outlay, to 1177
the respective departments, offices, institutions, as defined in 1178
section 121.01 of the Revised Code, and all other public purposes; 1179
and, in comparative form, the actual expenses by source of funds 1180
during each fiscal year of the previous two bienniums for each 1181
such purpose. No alterations shall be made in the requests for the 1182
legislative and judicial branches of the state filed with the 1183
director of budget and management under section 126.02 of the 1184
Revised Code. If any amount of federal money is recommended to be 1185
appropriated or has been expended for a purpose for which state 1186
money also is recommended to be appropriated or has been expended, 1187
the amounts of federal money and state money involved shall be 1188
separately identified. 1189

(3) A detailed estimate of the revenue receipts in each fund	1190
from each source under existing laws during each year of the	1191
biennium; and, in comparative form, actual revenue receipts in	1192
each fund from each source for each year of the two previous	1193
bienniums;	1194
(4) The estimated cash balance in each fund at the beginning	1195
of the biennium covered by the budget; the estimated liabilities	1196
outstanding against each such balance; and the estimated net	1197
balance remaining and available for new appropriations;	1198
(5) A detailed estimate of the additional revenue receipts in	1199
each fund from each source under proposed legislation, if enacted,	1200
during each year of the biennium;	1201
(6) A description of each tax expenditure; a detailed	1202
estimate of the amount of revenues not available to the general	1203
revenue fund under existing laws during each fiscal year of the	1204
biennium covered by the budget due to the operation of each tax	1205
expenditure; and, in comparative form, the amount of revenue not	1206
available to the general revenue fund during each fiscal year of	1207
the immediately preceding biennium due to the operation of each	1208
tax expenditure. The report prepared by the department of taxation	1209
pursuant to section 5703.48 of the Revised Code shall be submitted	1210
to the general assembly as an appendix to the governor's budget.	1211
As used in this division, "tax expenditure" has the same meaning	1212
as in section 5703.48 of the Revised Code.	1213
(7) The most recent report prepared by the tax expenditure	1214
review committee under division (F) of section 5703.95 of the	1215
Revised Code, which shall be submitted to the general assembly as	1216
an appendix to the governor's budget;	1217
<u>(8) The most recent TANF spending plan prepared by the</u>	1218
<u>department of job and family services under section 5101.806 of</u>	1219
<u>the Revised Code, which shall be submitted to the general assembly</u>	1220

as an appendix to the governor's budget. 1221

Sec. 107.121. Not later than thirty days following the end of 1222
each state fiscal year, the governor's office of faith-based and 1223
community initiatives shall submit a report to the speaker of the 1224
house of representatives, the president of the senate, and the 1225
director of the legislative service commission detailing all of 1226
the following: 1227

(A) A breakdown of how the office spent funds from the 1228
temporary assistance for needy families block grant, established 1229
by Title IV-A of the "Social Security Act," 42 U.S.C. 601,; 1230

(B) A breakdown of all grants the office awarded using 1231
temporary assistance for needy families block grant funds; 1232

(C) A breakdown of how each entity awarded a grant by the 1233
office using temporary assistance for needy families block grant 1234
funds spent those funds, including the following: 1235

(1) The services the entity provided; 1236

(2) The total number of individuals the entity served; 1237

(3) The total amount of money the entity spent. 1238

Sec. 109.08. The attorney general may appoint and authorize 1239
special counsel to represent the state and any political 1240
subdivision in connection with all claims of whatsoever nature 1241
which are certified to the attorney general for collection under 1242
any law or which the attorney general is authorized to collect. 1243

Such special counsel shall be paid for their services from 1244
funds collected by them in an amount approved by the attorney 1245
general. In addition to the amount certified, the amounts paid to 1246
special counsel may be assessed as collection costs consistent 1247
with section 131.02 of the Revised Code and shall be fully 1248
recoverable from the party indebted. The amounts assessed as 1249

collection costs under this section are in addition to any amounts 1250
authorized under section 109.081 of the Revised Code. 1251

The attorney general is authorized to provide to the special 1252
counsel the official letterhead stationery of the attorney 1253
general. The attorney general may authorize the special counsel to 1254
use the letterhead stationery, but only in connection with the 1255
collection of such claims arising out of amounts certified by the 1256
state and political subdivisions. 1257

The attorney general may adopt rules under Chapter 119. of 1258
the Revised Code as necessary for the implementation of this 1259
section and section 109.081 of the Revised Code. 1260

Sec. 109.57. (A)(1) The superintendent of the bureau of 1261
criminal identification and investigation shall procure from 1262
wherever procurable and file for record photographs, pictures, 1263
descriptions, fingerprints, measurements, and other information 1264
that may be pertinent of all persons who have been convicted of 1265
committing within this state a felony, any crime constituting a 1266
misdemeanor on the first offense and a felony on subsequent 1267
offenses, or any misdemeanor described in division (A)(1)(a), 1268
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1269
all children under eighteen years of age who have been adjudicated 1270
delinquent children for committing within this state an act that 1271
would be a felony or an offense of violence if committed by an 1272
adult or who have been convicted of or pleaded guilty to 1273
committing within this state a felony or an offense of violence, 1274
and of all well-known and habitual criminals. The person in charge 1275
of any county, multicounty, municipal, municipal-county, or 1276
multicounty-municipal jail or workhouse, community-based 1277
correctional facility, halfway house, alternative residential 1278
facility, or state correctional institution and the person in 1279
charge of any state institution having custody of a person 1280

suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent

offenses, involving a misdemeanor described in division (A)(1)(a), 1313
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1314
involving an adjudication in a case in which a child under 1315
eighteen years of age was alleged to be a delinquent child for 1316
committing an act that would be a felony or an offense of violence 1317
if committed by an adult. The clerk of the court of common pleas 1318
shall include in the report and summary the clerk sends under this 1319
division all information described in divisions (A)(2)(a) to (f) 1320
of this section regarding a case before the court of appeals that 1321
is served by that clerk. The summary shall be written on the 1322
standard forms furnished by the superintendent pursuant to 1323
division (B) of this section and shall include the following 1324
information: 1325

(a) The incident tracking number contained on the standard 1326
forms furnished by the superintendent pursuant to division (B) of 1327
this section; 1328

(b) The style and number of the case; 1329

(c) The date of arrest, offense, summons, or arraignment; 1330

(d) The date that the person was convicted of or pleaded 1331
guilty to the offense, adjudicated a delinquent child for 1332
committing the act that would be a felony or an offense of 1333
violence if committed by an adult, found not guilty of the 1334
offense, or found not to be a delinquent child for committing an 1335
act that would be a felony or an offense of violence if committed 1336
by an adult, the date of an entry dismissing the charge, an entry 1337
declaring a mistrial of the offense in which the person is 1338
discharged, an entry finding that the person or child is not 1339
competent to stand trial, or an entry of a nolle prosequi, or the 1340
date of any other determination that constitutes final resolution 1341
of the case; 1342

(e) A statement of the original charge with the section of 1343

the Revised Code that was alleged to be violated; 1344

(f) If the person or child was convicted, pleaded guilty, or 1345
was adjudicated a delinquent child, the sentence or terms of 1346
probation imposed or any other disposition of the offender or the 1347
delinquent child. 1348

If the offense involved the disarming of a law enforcement 1349
officer or an attempt to disarm a law enforcement officer, the 1350
clerk shall clearly state that fact in the summary, and the 1351
superintendent shall ensure that a clear statement of that fact is 1352
placed in the bureau's records. 1353

(3) The superintendent shall cooperate with and assist 1354
sheriffs, chiefs of police, and other law enforcement officers in 1355
the establishment of a complete system of criminal identification 1356
and in obtaining fingerprints and other means of identification of 1357
all persons arrested on a charge of a felony, any crime 1358
constituting a misdemeanor on the first offense and a felony on 1359
subsequent offenses, or a misdemeanor described in division 1360
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1361
Revised Code and of all children under eighteen years of age 1362
arrested or otherwise taken into custody for committing an act 1363
that would be a felony or an offense of violence if committed by 1364
an adult. The superintendent also shall file for record the 1365
fingerprint impressions of all persons confined in a county, 1366
multicounty, municipal, municipal-county, or multicounty-municipal 1367
jail or workhouse, community-based correctional facility, halfway 1368
house, alternative residential facility, or state correctional 1369
institution for the violation of state laws and of all children 1370
under eighteen years of age who are confined in a county, 1371
multicounty, municipal, municipal-county, or multicounty-municipal 1372
jail or workhouse, community-based correctional facility, halfway 1373
house, alternative residential facility, or state correctional 1374
institution or in any facility for delinquent children for 1375

committing an act that would be a felony or an offense of violence 1376
if committed by an adult, and any other information that the 1377
superintendent may receive from law enforcement officials of the 1378
state and its political subdivisions. 1379

(4) The superintendent shall carry out Chapter 2950. of the 1380
Revised Code with respect to the registration of persons who are 1381
convicted of or plead guilty to a sexually oriented offense or a 1382
child-victim oriented offense and with respect to all other duties 1383
imposed on the bureau under that chapter. 1384

(5) The bureau shall perform centralized recordkeeping 1385
functions for criminal history records and services in this state 1386
for purposes of the national crime prevention and privacy compact 1387
set forth in section 109.571 of the Revised Code and is the 1388
criminal history record repository as defined in that section for 1389
purposes of that compact. The superintendent or the 1390
superintendent's designee is the compact officer for purposes of 1391
that compact and shall carry out the responsibilities of the 1392
compact officer specified in that compact. 1393

(6) The superintendent shall, upon request, assist a county 1394
coroner in the identification of a deceased person through the use 1395
of fingerprint impressions obtained pursuant to division (A)(1) of 1396
this section or collected pursuant to section 109.572 or 311.41 of 1397
the Revised Code. 1398

(B) The superintendent shall prepare and furnish to every 1399
county, multicounty, municipal, municipal-county, or 1400
multicounty-municipal jail or workhouse, community-based 1401
correctional facility, halfway house, alternative residential 1402
facility, or state correctional institution and to every clerk of 1403
a court in this state specified in division (A)(2) of this section 1404
standard forms for reporting the information required under 1405
division (A) of this section. The standard forms that the 1406
superintendent prepares pursuant to this division may be in a 1407

tangible format, in an electronic format, or in both tangible 1408
formats and electronic formats. 1409

(C)(1) The superintendent may operate a center for 1410
electronic, automated, or other data processing for the storage 1411
and retrieval of information, data, and statistics pertaining to 1412
criminals and to children under eighteen years of age who are 1413
adjudicated delinquent children for committing an act that would 1414
be a felony or an offense of violence if committed by an adult, 1415
criminal activity, crime prevention, law enforcement, and criminal 1416
justice, and may establish and operate a statewide communications 1417
network to be known as the Ohio law enforcement gateway to gather 1418
and disseminate information, data, and statistics for the use of 1419
law enforcement agencies and for other uses specified in this 1420
division. The superintendent may gather, store, retrieve, and 1421
disseminate information, data, and statistics that pertain to 1422
children who are under eighteen years of age and that are gathered 1423
pursuant to sections 109.57 to 109.61 of the Revised Code together 1424
with information, data, and statistics that pertain to adults and 1425
that are gathered pursuant to those sections. 1426

(2) The superintendent or the superintendent's designee shall 1427
gather information of the nature described in division (C)(1) of 1428
this section that pertains to the offense and delinquency history 1429
of a person who has been convicted of, pleaded guilty to, or been 1430
adjudicated a delinquent child for committing a sexually oriented 1431
offense or a child-victim oriented offense for inclusion in the 1432
state registry of sex offenders and child-victim offenders 1433
maintained pursuant to division (A)(1) of section 2950.13 of the 1434
Revised Code and in the internet database operated pursuant to 1435
division (A)(13) of that section and for possible inclusion in the 1436
internet database operated pursuant to division (A)(11) of that 1437
section. 1438

(3) In addition to any other authorized use of information, 1439

data, and statistics of the nature described in division (C)(1) of 1440
this section, the superintendent or the superintendent's designee 1441
may provide and exchange the information, data, and statistics 1442
pursuant to the national crime prevention and privacy compact as 1443
described in division (A)(5) of this section. 1444

(4) The Ohio law enforcement gateway shall contain the name, 1445
confidential address, and telephone number of program participants 1446
in the address confidentiality program established under sections 1447
111.41 to 111.47 of the Revised Code. 1448

(5) The attorney general may adopt rules under Chapter 119. 1449
of the Revised Code establishing guidelines for the operation of 1450
and participation in the Ohio law enforcement gateway. The rules 1451
may include criteria for granting and restricting access to 1452
information gathered and disseminated through the Ohio law 1453
enforcement gateway. The attorney general shall adopt rules under 1454
Chapter 119. of the Revised Code that grant access to information 1455
in the gateway regarding an address confidentiality program 1456
participant under sections 111.41 to 111.47 of the Revised Code to 1457
only chiefs of police, village marshals, county sheriffs, county 1458
prosecuting attorneys, and a designee of each of these 1459
individuals. The attorney general shall permit the state medical 1460
board and board of nursing to access and view, but not alter, 1461
information gathered and disseminated through the Ohio law 1462
enforcement gateway. 1463

The attorney general may appoint a steering committee to 1464
advise the attorney general in the operation of the Ohio law 1465
enforcement gateway that is comprised of persons who are 1466
representatives of the criminal justice agencies in this state 1467
that use the Ohio law enforcement gateway and is chaired by the 1468
superintendent or the superintendent's designee. 1469

(D)(1) The following are not public records under section 1470
149.43 of the Revised Code: 1471

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	1472 1473
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;	1474 1475 1476
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	1477 1478
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.	1479 1480 1481 1482 1483 1484 1485
(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	1486 1487 1488 1489 1490 1491 1492 1493 1494 1495 1496 1497
(2) Except as otherwise provided in this division or division (E)(3) or (4) of this section, a rule adopted under division (E)(1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of	1498 1499 1500 1501 1502

guilty to, a criminal offense or to the arrest of a person as 1503
provided in division (E)(3) of this section. The superintendent 1504
shall not release, and the attorney general shall not adopt any 1505
rule under division (E)(1) of this section that permits the 1506
release of, any information gathered pursuant to division (A) of 1507
this section that relates to an adjudication of a child as a 1508
delinquent child, or that relates to a criminal conviction of a 1509
person under eighteen years of age if the person's case was 1510
transferred back to a juvenile court under division (B)(2) or (3) 1511
of section 2152.121 of the Revised Code and the juvenile court 1512
imposed a disposition or serious youthful offender disposition 1513
upon the person under either division, unless either of the 1514
following applies with respect to the adjudication or conviction: 1515

(a) The adjudication or conviction was for a violation of 1516
section 2903.01 or 2903.02 of the Revised Code. 1517

(b) The adjudication or conviction was for a sexually 1518
oriented offense, the juvenile court was required to classify the 1519
child a juvenile offender registrant for that offense under 1520
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1521
classification has not been removed, and the records of the 1522
adjudication or conviction have not been sealed or expunged 1523
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1524
section 2952.32 of the Revised Code. 1525

(3) A rule adopted under division (E)(1) of this section may 1526
provide for the release of information gathered pursuant to 1527
division (A) of this section that relates to the arrest of a 1528
person who is eighteen years of age or older when the person has 1529
not been convicted as a result of that arrest if any of the 1530
following applies: 1531

(a) The arrest was made outside of this state. 1532

(b) A criminal action resulting from the arrest is pending, 1533

and the superintendent confirms that the criminal action has not 1534
been resolved at the time the criminal records check is performed. 1535

(c) The bureau cannot reasonably determine whether a criminal 1536
action resulting from the arrest is pending, and not more than one 1537
year has elapsed since the date of the arrest. 1538

(4) A rule adopted under division (E)(1) of this section may 1539
provide for the release of information gathered pursuant to 1540
division (A) of this section that relates to an adjudication of a 1541
child as a delinquent child if not more than five years have 1542
elapsed since the date of the adjudication, the adjudication was 1543
for an act that would have been a felony if committed by an adult, 1544
the records of the adjudication have not been sealed or expunged 1545
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1546
the request for information is made under division (F) of this 1547
section or under section 109.572 of the Revised Code. In the case 1548
of an adjudication for a violation of the terms of community 1549
control or supervised release, the five-year period shall be 1550
calculated from the date of the adjudication to which the 1551
community control or supervised release pertains. 1552

(F)(1) As used in division (F)(2) of this section, "head 1553
start agency" means an entity in this state that has been approved 1554
to be an agency for purposes of subchapter II of the "Community 1555
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1556
as amended. 1557

(2)(a) In addition to or in conjunction with any request that 1558
is required to be made under section 109.572, 2151.86, 3301.32, 1559
3301.541, division (C) of section 3310.58, or section 3319.39, 1560
3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 1561
5153.111 of the Revised Code or that is made under section 1562
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1563
board of education of any school district; the director of 1564
developmental disabilities; any county board of developmental 1565

disabilities; any provider or subcontractor as defined in section 1566
5123.081 of the Revised Code; the chief administrator of any 1567
chartered nonpublic school; the chief administrator of a 1568
registered private provider that is not also a chartered nonpublic 1569
school; the chief administrator of any home health agency; the 1570
chief administrator of or person operating any child day-care 1571
center, type A family day-care home, or type B family day-care 1572
home licensed under Chapter 5104. of the Revised Code; the chief 1573
administrator of any head start agency; the executive director of 1574
a public children services agency; a private company described in 1575
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1576
Code; or an employer described in division (J)(2) of section 1577
3327.10 of the Revised Code may request that the superintendent of 1578
the bureau investigate and determine, with respect to any 1579
individual who has applied for employment in any position after 1580
October 2, 1989, or any individual wishing to apply for employment 1581
with a board of education may request, with regard to the 1582
individual, whether the bureau has any information gathered under 1583
division (A) of this section that pertains to that individual. On 1584
receipt of the request, subject to division (E)(2) of this 1585
section, the superintendent shall determine whether that 1586
information exists and, upon request of the person, board, or 1587
entity requesting information, also shall request from the federal 1588
bureau of investigation any criminal records it has pertaining to 1589
that individual. The superintendent or the superintendent's 1590
designee also may request criminal history records from other 1591
states or the federal government pursuant to the national crime 1592
prevention and privacy compact set forth in section 109.571 of the 1593
Revised Code. Within thirty days of the date that the 1594
superintendent receives a request, subject to division (E)(2) of 1595
this section, the superintendent shall send to the board, entity, 1596
or person a report of any information that the superintendent 1597
determines exists, including information contained in records that 1598

have been sealed under section 2953.32 of the Revised Code, and, 1599
within thirty days of its receipt, subject to division (E)(2) of 1600
this section, shall send the board, entity, or person a report of 1601
any information received from the federal bureau of investigation, 1602
other than information the dissemination of which is prohibited by 1603
federal law. 1604

(b) When a board of education or a registered private 1605
provider is required to receive information under this section as 1606
a prerequisite to employment of an individual pursuant to division 1607
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1608
may accept a certified copy of records that were issued by the 1609
bureau of criminal identification and investigation and that are 1610
presented by an individual applying for employment with the 1611
district in lieu of requesting that information itself. In such a 1612
case, the board shall accept the certified copy issued by the 1613
bureau in order to make a photocopy of it for that individual's 1614
employment application documents and shall return the certified 1615
copy to the individual. In a case of that nature, a district or 1616
provider only shall accept a certified copy of records of that 1617
nature within one year after the date of their issuance by the 1618
bureau. 1619

(c) Notwithstanding division (F)(2)(a) of this section, in 1620
the case of a request under section 3319.39, 3319.391, or 3327.10 1621
of the Revised Code only for criminal records maintained by the 1622
federal bureau of investigation, the superintendent shall not 1623
determine whether any information gathered under division (A) of 1624
this section exists on the person for whom the request is made. 1625

(3) The state board of education may request, with respect to 1626
any individual who has applied for employment after October 2, 1627
1989, in any position with the state board or the department of 1628
education, any information that a school district board of 1629
education is authorized to request under division (F)(2) of this 1630

section, and the superintendent of the bureau shall proceed as if 1631
the request has been received from a school district board of 1632
education under division (F)(2) of this section. 1633

(4) When the superintendent of the bureau receives a request 1634
for information under section 3319.291 of the Revised Code, the 1635
superintendent shall proceed as if the request has been received 1636
from a school district board of education and shall comply with 1637
divisions (F)(2)(a) and (c) of this section. 1638

(G) In addition to or in conjunction with any request that is 1639
required to be made under section ~~3701.881~~, 3712.09, ~~or~~ 3721.121, 1640
or 3740.11 of the Revised Code with respect to an individual who 1641
has applied for employment in a position that involves providing 1642
direct care to an older adult or adult resident, the chief 1643
administrator of a home health agency, hospice care program, home 1644
licensed under Chapter 3721. of the Revised Code, or adult 1645
day-care program operated pursuant to rules adopted under section 1646
3721.04 of the Revised Code may request that the superintendent of 1647
the bureau investigate and determine, with respect to any 1648
individual who has applied after January 27, 1997, for employment 1649
in a position that does not involve providing direct care to an 1650
older adult or adult resident, whether the bureau has any 1651
information gathered under division (A) of this section that 1652
pertains to that individual. 1653

In addition to or in conjunction with any request that is 1654
required to be made under section 173.27 of the Revised Code with 1655
respect to an individual who has applied for employment in a 1656
position that involves providing ombudsman services to residents 1657
of long-term care facilities or recipients of community-based 1658
long-term care services, the state long-term care ombudsman, the 1659
director of aging, a regional long-term care ombudsman program, or 1660
the designee of the ombudsman, director, or program may request 1661
that the superintendent investigate and determine, with respect to 1662

any individual who has applied for employment in a position that 1663
does not involve providing such ombudsman services, whether the 1664
bureau has any information gathered under division (A) of this 1665
section that pertains to that applicant. 1666

In addition to or in conjunction with any request that is 1667
required to be made under section 173.38 of the Revised Code with 1668
respect to an individual who has applied for employment in a 1669
direct-care position, the chief administrator of a provider, as 1670
defined in section 173.39 of the Revised Code, may request that 1671
the superintendent investigate and determine, with respect to any 1672
individual who has applied for employment in a position that is 1673
not a direct-care position, whether the bureau has any information 1674
gathered under division (A) of this section that pertains to that 1675
applicant. 1676

In addition to or in conjunction with any request that is 1677
required to be made under section 3712.09 of the Revised Code with 1678
respect to an individual who has applied for employment in a 1679
position that involves providing direct care to a pediatric 1680
respite care patient, the chief administrator of a pediatric 1681
respite care program may request that the superintendent of the 1682
bureau investigate and determine, with respect to any individual 1683
who has applied for employment in a position that does not involve 1684
providing direct care to a pediatric respite care patient, whether 1685
the bureau has any information gathered under division (A) of this 1686
section that pertains to that individual. 1687

On receipt of a request under this division, the 1688
superintendent shall determine whether that information exists 1689
and, on request of the individual requesting information, shall 1690
also request from the federal bureau of investigation any criminal 1691
records it has pertaining to the applicant. The superintendent or 1692
the superintendent's designee also may request criminal history 1693
records from other states or the federal government pursuant to 1694

the national crime prevention and privacy compact set forth in 1695
section 109.571 of the Revised Code. Within thirty days of the 1696
date a request is received, subject to division (E)(2) of this 1697
section, the superintendent shall send to the requester a report 1698
of any information determined to exist, including information 1699
contained in records that have been sealed under section 2953.32 1700
of the Revised Code, and, within thirty days of its receipt, shall 1701
send the requester a report of any information received from the 1702
federal bureau of investigation, other than information the 1703
dissemination of which is prohibited by federal law. 1704

(H) Information obtained by a government entity or person 1705
under this section is confidential and shall not be released or 1706
disseminated. 1707

(I) The superintendent may charge a reasonable fee for 1708
providing information or criminal records under division (F)(2) or 1709
(G) of this section. 1710

(J) As used in this section: 1711

(1) "Pediatric respite care program" and "pediatric care 1712
patient" have the same meanings as in section 3712.01 of the 1713
Revised Code. 1714

(2) "Sexually oriented offense" and "child-victim oriented 1715
offense" have the same meanings as in section 2950.01 of the 1716
Revised Code. 1717

(3) "Registered private provider" means a nonpublic school or 1718
entity registered with the superintendent of public instruction 1719
under section 3310.41 of the Revised Code to participate in the 1720
autism scholarship program or section 3310.58 of the Revised Code 1721
to participate in the Jon Peterson special needs scholarship 1722
program. 1723

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1724

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1725
a completed form prescribed pursuant to division (C)(1) of this 1726
section, and a set of fingerprint impressions obtained in the 1727
manner described in division (C)(2) of this section, the 1728
superintendent of the bureau of criminal identification and 1729
investigation shall conduct a criminal records check in the manner 1730
described in division (B) of this section to determine whether any 1731
information exists that indicates that the person who is the 1732
subject of the request previously has been convicted of or pleaded 1733
guilty to any of the following: 1734

(a) A violation of section 2903.01, 2903.02, 2903.03, 1735
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1736
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1737
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1738
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1739
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1740
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1741
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 1742
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 1743
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 1744
Revised Code, felonious sexual penetration in violation of former 1745
section 2907.12 of the Revised Code, a violation of section 1746
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1747
violation of section 2919.23 of the Revised Code that would have 1748
been a violation of section 2905.04 of the Revised Code as it 1749
existed prior to July 1, 1996, had the violation been committed 1750
prior to that date, or a violation of section 2925.11 of the 1751
Revised Code that is not a minor drug possession offense; 1752

(b) A violation of an existing or former law of this state, 1753
any other state, or the United States that is substantially 1754
equivalent to any of the offenses listed in division (A)(1)(a) of 1755
this section; 1756

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

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

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

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, ~~3701.881~~ 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, or 5123.081 of the Revised Code, a completed form

prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,

2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 1822
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 1823
2925.56, 2927.12, or 3716.11 of the Revised Code; 1824

(b) Felonious sexual penetration in violation of former 1825
section 2907.12 of the Revised Code; 1826

(c) A violation of section 2905.04 of the Revised Code as it 1827
existed prior to July 1, 1996; 1828

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1829
the Revised Code when the underlying offense that is the object of 1830
the conspiracy, attempt, or complicity is one of the offenses 1831
listed in divisions (A)(3)(a) to (c) of this section; 1832

(e) A violation of an existing or former municipal ordinance 1833
or law of this state, any other state, or the United States that 1834
is substantially equivalent to any of the offenses listed in 1835
divisions (A)(3)(a) to (d) of this section. 1836

(4) On receipt of a request pursuant to section 2151.86 or 1837
2151.904 of the Revised Code, a completed form prescribed pursuant 1838
to division (C)(1) of this section, and a set of fingerprint 1839
impressions obtained in the manner described in division (C)(2) of 1840
this section, the superintendent of the bureau of criminal 1841
identification and investigation shall conduct a criminal records 1842
check in the manner described in division (B) of this section to 1843
determine whether any information exists that indicates that the 1844
person who is the subject of the request previously has been 1845
convicted of or pleaded guilty to any of the following: 1846

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1847
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1848
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1849
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1850
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1851
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1852

2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1853
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1854
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1855
of the Revised Code, a violation of section 2905.04 of the Revised 1856
Code as it existed prior to July 1, 1996, a violation of section 1857
2919.23 of the Revised Code that would have been a violation of 1858
section 2905.04 of the Revised Code as it existed prior to July 1, 1859
1996, had the violation been committed prior to that date, a 1860
violation of section 2925.11 of the Revised Code that is not a 1861
minor drug possession offense, two or more OVI or OVUAC violations 1862
committed within the three years immediately preceding the 1863
submission of the application or petition that is the basis of the 1864
request, or felonious sexual penetration in violation of former 1865
section 2907.12 of the Revised Code; 1866

(b) A violation of an existing or former law of this state, 1867
any other state, or the United States that is substantially 1868
equivalent to any of the offenses listed in division (A)(4)(a) of 1869
this section. 1870

(5) Upon receipt of a request pursuant to section 5104.013 of 1871
the Revised Code, a completed form prescribed pursuant to division 1872
(C)(1) of this section, and a set of fingerprint impressions 1873
obtained in the manner described in division (C)(2) of this 1874
section, the superintendent of the bureau of criminal 1875
identification and investigation shall conduct a criminal records 1876
check in the manner described in division (B) of this section to 1877
determine whether any information exists that indicates that the 1878
person who is the subject of the request has been convicted of or 1879
pleaded guilty to any of the following: 1880

(a) A violation of section 2151.421, 2903.01, 2903.02, 1881
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1882
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1883
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1884

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1885
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1886
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1887
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1888
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1889
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1890
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1891
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1892
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1893
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1894
Revised Code, felonious sexual penetration in violation of former 1895
section 2907.12 of the Revised Code, a violation of section 1896
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1897
violation of section 2919.23 of the Revised Code that would have 1898
been a violation of section 2905.04 of the Revised Code as it 1899
existed prior to July 1, 1996, had the violation been committed 1900
prior to that date, a violation of section 2925.11 of the Revised 1901
Code that is not a minor drug possession offense, a violation of 1902
section 2923.02 or 2923.03 of the Revised Code that relates to a 1903
crime specified in this division, or a second violation of section 1904
4511.19 of the Revised Code within five years of the date of 1905
application for licensure or certification. 1906

(b) A violation of an existing or former law of this state, 1907
any other state, or the United States that is substantially 1908
equivalent to any of the offenses or violations described in 1909
division (A)(5)(a) of this section. 1910

(6) Upon receipt of a request pursuant to section 5153.111 of 1911
the Revised Code, a completed form prescribed pursuant to division 1912
(C)(1) of this section, and a set of fingerprint impressions 1913
obtained in the manner described in division (C)(2) of this 1914
section, the superintendent of the bureau of criminal 1915
identification and investigation shall conduct a criminal records 1916

check in the manner described in division (B) of this section to 1917
determine whether any information exists that indicates that the 1918
person who is the subject of the request previously has been 1919
convicted of or pleaded guilty to any of the following: 1920

(a) A violation of section 2903.01, 2903.02, 2903.03, 1921
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1922
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1923
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1924
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1925
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1926
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1927
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1928
felonious sexual penetration in violation of former section 1929
2907.12 of the Revised Code, a violation of section 2905.04 of the 1930
Revised Code as it existed prior to July 1, 1996, a violation of 1931
section 2919.23 of the Revised Code that would have been a 1932
violation of section 2905.04 of the Revised Code as it existed 1933
prior to July 1, 1996, had the violation been committed prior to 1934
that date, or a violation of section 2925.11 of the Revised Code 1935
that is not a minor drug possession offense; 1936

(b) A violation of an existing or former law of this state, 1937
any other state, or the United States that is substantially 1938
equivalent to any of the offenses listed in division (A)(6)(a) of 1939
this section. 1940

(7) On receipt of a request for a criminal records check from 1941
an individual pursuant to section 4749.03 or 4749.06 of the 1942
Revised Code, accompanied by a completed copy of the form 1943
prescribed in division (C)(1) of this section and a set of 1944
fingerprint impressions obtained in a manner described in division 1945
(C)(2) of this section, the superintendent of the bureau of 1946
criminal identification and investigation shall conduct a criminal 1947
records check in the manner described in division (B) of this 1948

section to determine whether any information exists indicating 1949
that the person who is the subject of the request has been 1950
convicted of or pleaded guilty to any criminal offense in this 1951
state or in any other state. If the individual indicates that a 1952
firearm will be carried in the course of business, the 1953
superintendent shall require information from the federal bureau 1954
of investigation as described in division (B)(2) of this section. 1955
Subject to division (F) of this section, the superintendent shall 1956
report the findings of the criminal records check and any 1957
information the federal bureau of investigation provides to the 1958
director of public safety. 1959

(8) On receipt of a request pursuant to section 1321.37, 1960
1321.53, or 4763.05 of the Revised Code, a completed form 1961
prescribed pursuant to division (C)(1) of this section, and a set 1962
of fingerprint impressions obtained in the manner described in 1963
division (C)(2) of this section, the superintendent of the bureau 1964
of criminal identification and investigation shall conduct a 1965
criminal records check with respect to any person who has applied 1966
for a license, permit, or certification from the department of 1967
commerce or a division in the department. The superintendent shall 1968
conduct the criminal records check in the manner described in 1969
division (B) of this section to determine whether any information 1970
exists that indicates that the person who is the subject of the 1971
request previously has been convicted of or pleaded guilty to any 1972
criminal offense in this state, any other state, or the United 1973
States. 1974

(9) On receipt of a request for a criminal records check from 1975
the treasurer of state under section 113.041 of the Revised Code 1976
or from an individual under section 928.03, 4701.08, 4715.101, 1977
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 1978
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1979
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1980

4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1981
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1982
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1983
or 4783.04 of the Revised Code, accompanied by a completed form 1984
prescribed under division (C)(1) of this section and a set of 1985
fingerprint impressions obtained in the manner described in 1986
division (C)(2) of this section, the superintendent of the bureau 1987
of criminal identification and investigation shall conduct a 1988
criminal records check in the manner described in division (B) of 1989
this section to determine whether any information exists that 1990
indicates that the person who is the subject of the request has 1991
been convicted of or pleaded guilty to any criminal offense in 1992
this state or any other state. Subject to division (F) of this 1993
section, the superintendent shall send the results of a check 1994
requested under section 113.041 of the Revised Code to the 1995
treasurer of state and shall send the results of a check requested 1996
under any of the other listed sections to the licensing board 1997
specified by the individual in the request. 1998

(10) On receipt of a request pursuant to section 124.74, 1999
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 2000
Revised Code, a completed form prescribed pursuant to division 2001
(C)(1) of this section, and a set of fingerprint impressions 2002
obtained in the manner described in division (C)(2) of this 2003
section, the superintendent of the bureau of criminal 2004
identification and investigation shall conduct a criminal records 2005
check in the manner described in division (B) of this section to 2006
determine whether any information exists that indicates that the 2007
person who is the subject of the request previously has been 2008
convicted of or pleaded guilty to any criminal offense under any 2009
existing or former law of this state, any other state, or the 2010
United States. 2011

(11) On receipt of a request for a criminal records check 2012

from an appointing or licensing authority under section 3772.07 of 2013
the Revised Code, a completed form prescribed under division 2014
(C)(1) of this section, and a set of fingerprint impressions 2015
obtained in the manner prescribed in division (C)(2) of this 2016
section, the superintendent of the bureau of criminal 2017
identification and investigation shall conduct a criminal records 2018
check in the manner described in division (B) of this section to 2019
determine whether any information exists that indicates that the 2020
person who is the subject of the request previously has been 2021
convicted of or pleaded guilty or no contest to any offense under 2022
any existing or former law of this state, any other state, or the 2023
United States that is a disqualifying offense as defined in 2024
section 3772.07 of the Revised Code or substantially equivalent to 2025
such an offense. 2026

(12) On receipt of a request pursuant to section 2151.33 or 2027
2151.412 of the Revised Code, a completed form prescribed pursuant 2028
to division (C)(1) of this section, and a set of fingerprint 2029
impressions obtained in the manner described in division (C)(2) of 2030
this section, the superintendent of the bureau of criminal 2031
identification and investigation shall conduct a criminal records 2032
check with respect to any person for whom a criminal records check 2033
is required under that section. The superintendent shall conduct 2034
the criminal records check in the manner described in division (B) 2035
of this section to determine whether any information exists that 2036
indicates that the person who is the subject of the request 2037
previously has been convicted of or pleaded guilty to any of the 2038
following: 2039

(a) A violation of section 2903.01, 2903.02, 2903.03, 2040
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2041
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2042
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2043
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2044

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2045
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2046
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2047
2925.22, 2925.23, or 3716.11 of the Revised Code; 2048

(b) An existing or former law of this state, any other state, 2049
or the United States that is substantially equivalent to any of 2050
the offenses listed in division (A)(12)(a) of this section. 2051

(13) On receipt of a request pursuant to section 3796.12 of 2052
the Revised Code, a completed form prescribed pursuant to division 2053
(C)(1) of this section, and a set of fingerprint impressions 2054
obtained in a manner described in division (C)(2) of this section, 2055
the superintendent of the bureau of criminal identification and 2056
investigation shall conduct a criminal records check in the manner 2057
described in division (B) of this section to determine whether any 2058
information exists that indicates that the person who is the 2059
subject of the request previously has been convicted of or pleaded 2060
guilty to the following: 2061

(a) A disqualifying offense as specified in rules adopted 2062
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2063
the Revised Code if the person who is the subject of the request 2064
is an administrator or other person responsible for the daily 2065
operation of, or an owner or prospective owner, officer or 2066
prospective officer, or board member or prospective board member 2067
of, an entity seeking a license from the department of commerce 2068
under Chapter 3796. of the Revised Code; 2069

(b) A disqualifying offense as specified in rules adopted 2070
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2071
the Revised Code if the person who is the subject of the request 2072
is an administrator or other person responsible for the daily 2073
operation of, or an owner or prospective owner, officer or 2074
prospective officer, or board member or prospective board member 2075
of, an entity seeking a license from the state board of pharmacy 2076

under Chapter 3796. of the Revised Code. 2077

(14) On receipt of a request required by section 3796.13 of 2078
the Revised Code, a completed form prescribed pursuant to division 2079
(C)(1) of this section, and a set of fingerprint impressions 2080
obtained in a manner described in division (C)(2) of this section, 2081
the superintendent of the bureau of criminal identification and 2082
investigation shall conduct a criminal records check in the manner 2083
described in division (B) of this section to determine whether any 2084
information exists that indicates that the person who is the 2085
subject of the request previously has been convicted of or pleaded 2086
guilty to the following: 2087

(a) A disqualifying offense as specified in rules adopted 2088
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2089
the person who is the subject of the request is seeking employment 2090
with an entity licensed by the department of commerce under 2091
Chapter 3796. of the Revised Code; 2092

(b) A disqualifying offense as specified in rules adopted 2093
under division (B)(14)(a) of section 3796.04 of the Revised Code 2094
if the person who is the subject of the request is seeking 2095
employment with an entity licensed by the state board of pharmacy 2096
under Chapter 3796. of the Revised Code. 2097

(15) On receipt of a request pursuant to section 4768.06 of 2098
the Revised Code, a completed form prescribed under division 2099
(C)(1) of this section, and a set of fingerprint impressions 2100
obtained in the manner described in division (C)(2) of this 2101
section, the superintendent of the bureau of criminal 2102
identification and investigation shall conduct a criminal records 2103
check in the manner described in division (B) of this section to 2104
determine whether any information exists indicating that the 2105
person who is the subject of the request has been convicted of or 2106
pleaded guilty to any criminal offense in this state or in any 2107
other state. 2108

(16) On receipt of a request pursuant to division (B) of 2109
section 4764.07 or division (A) of section 4735.143 of the Revised 2110
Code, a completed form prescribed under division (C)(1) of this 2111
section, and a set of fingerprint impressions obtained in the 2112
manner described in division (C)(2) of this section, the 2113
superintendent of the bureau of criminal identification and 2114
investigation shall conduct a criminal records check in the manner 2115
described in division (B) of this section to determine whether any 2116
information exists indicating that the person who is the subject 2117
of the request has been convicted of or pleaded guilty to any 2118
criminal offense in any state or the United States. 2119

(17) On receipt of a request for a criminal records check 2120
under section 147.022 of the Revised Code, a completed form 2121
prescribed under division (C)(1) of this section, and a set of 2122
fingerprint impressions obtained in the manner prescribed in 2123
division (C)(2) of this section, the superintendent of the bureau 2124
of criminal identification and investigation shall conduct a 2125
criminal records check in the manner described in division (B) of 2126
this section to determine whether any information exists that 2127
indicates that the person who is the subject of the request 2128
previously has been convicted of or pleaded guilty or no contest 2129
to any criminal offense under any existing or former law of this 2130
state, any other state, or the United States. 2131

(B) Subject to division (F) of this section, the 2132
superintendent shall conduct any criminal records check to be 2133
conducted under this section as follows: 2134

(1) The superintendent shall review or cause to be reviewed 2135
any relevant information gathered and compiled by the bureau under 2136
division (A) of section 109.57 of the Revised Code that relates to 2137
the person who is the subject of the criminal records check, 2138
including, if the criminal records check was requested under 2139
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2140

928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2141
2151.86, 3301.32, 3301.541, 3319.39, ~~3701.88~~ 3740.11, 3712.09, 2142
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2143
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2144
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2145
the Revised Code, any relevant information contained in records 2146
that have been sealed under section 2953.32 of the Revised Code; 2147

(2) If the request received by the superintendent asks for 2148
information from the federal bureau of investigation, the 2149
superintendent shall request from the federal bureau of 2150
investigation any information it has with respect to the person 2151
who is the subject of the criminal records check, including 2152
fingerprint-based checks of national crime information databases 2153
as described in 42 U.S.C. 671 if the request is made pursuant to 2154
section 2151.86 or 5104.013 of the Revised Code or if any other 2155
Revised Code section requires fingerprint-based checks of that 2156
nature, and shall review or cause to be reviewed any information 2157
the superintendent receives from that bureau. If a request under 2158
section 3319.39 of the Revised Code asks only for information from 2159
the federal bureau of investigation, the superintendent shall not 2160
conduct the review prescribed by division (B)(1) of this section. 2161

(3) The superintendent or the superintendent's designee may 2162
request criminal history records from other states or the federal 2163
government pursuant to the national crime prevention and privacy 2164
compact set forth in section 109.571 of the Revised Code. 2165

(4) The superintendent shall include in the results of the 2166
criminal records check a list or description of the offenses 2167
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2168
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 2169
of this section, whichever division requires the superintendent to 2170
conduct the criminal records check. The superintendent shall 2171
exclude from the results any information the dissemination of 2172

which is prohibited by federal law. 2173

(5) The superintendent shall send the results of the criminal 2174
records check to the person to whom it is to be sent not later 2175
than the following number of days after the date the 2176
superintendent receives the request for the criminal records 2177
check, the completed form prescribed under division (C)(1) of this 2178
section, and the set of fingerprint impressions obtained in the 2179
manner described in division (C)(2) of this section: 2180

(a) If the superintendent is required by division (A) of this 2181
section (other than division (A)(3) of this section) to conduct 2182
the criminal records check, thirty; 2183

(b) If the superintendent is required by division (A)(3) of 2184
this section to conduct the criminal records check, sixty. 2185

(C)(1) The superintendent shall prescribe a form to obtain 2186
the information necessary to conduct a criminal records check from 2187
any person for whom a criminal records check is to be conducted 2188
under this section. The form that the superintendent prescribes 2189
pursuant to this division may be in a tangible format, in an 2190
electronic format, or in both tangible and electronic formats. 2191

(2) The superintendent shall prescribe standard impression 2192
sheets to obtain the fingerprint impressions of any person for 2193
whom a criminal records check is to be conducted under this 2194
section. Any person for whom a records check is to be conducted 2195
under this section shall obtain the fingerprint impressions at a 2196
county sheriff's office, municipal police department, or any other 2197
entity with the ability to make fingerprint impressions on the 2198
standard impression sheets prescribed by the superintendent. The 2199
office, department, or entity may charge the person a reasonable 2200
fee for making the impressions. The standard impression sheets the 2201
superintendent prescribes pursuant to this division may be in a 2202
tangible format, in an electronic format, or in both tangible and 2203

electronic formats. 2204

(3) Subject to division (D) of this section, the 2205
superintendent shall prescribe and charge a reasonable fee for 2206
providing a criminal records check under this section. The person 2207
requesting the criminal records check shall pay the fee prescribed 2208
pursuant to this division. In the case of a request under section 2209
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2210
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2211
the manner specified in that section. 2212

(4) The superintendent of the bureau of criminal 2213
identification and investigation may prescribe methods of 2214
forwarding fingerprint impressions and information necessary to 2215
conduct a criminal records check, which methods shall include, but 2216
not be limited to, an electronic method. 2217

(D) The results of a criminal records check conducted under 2218
this section, other than a criminal records check specified in 2219
division (A)(7) of this section, are valid for the person who is 2220
the subject of the criminal records check for a period of one year 2221
from the date upon which the superintendent completes the criminal 2222
records check. If during that period the superintendent receives 2223
another request for a criminal records check to be conducted under 2224
this section for that person, the superintendent shall provide the 2225
results from the previous criminal records check of the person at 2226
a lower fee than the fee prescribed for the initial criminal 2227
records check. 2228

(E) When the superintendent receives a request for 2229
information from a registered private provider, the superintendent 2230
shall proceed as if the request was received from a school 2231
district board of education under section 3319.39 of the Revised 2232
Code. The superintendent shall apply division (A)(1)(c) of this 2233
section to any such request for an applicant who is a teacher. 2234

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:

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

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

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

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction

under section 3310.41 of the Revised Code to participate in the 2266
autism scholarship program or section 3310.58 of the Revised Code 2267
to participate in the Jon Peterson special needs scholarship 2268
program. 2269

Sec. 109.79. (A) The Ohio peace officer training commission 2270
shall establish and conduct a training school for law enforcement 2271
officers of any political subdivision of the state or of the state 2272
public defender's office. The school shall be known as the Ohio 2273
peace officer training academy. No bailiff or deputy bailiff of a 2274
court of record of this state and no criminal investigator 2275
employed by the state public defender shall be permitted to attend 2276
the academy for training unless the employing court of the bailiff 2277
or deputy bailiff or the state public defender, whichever is 2278
applicable, has authorized the bailiff, deputy bailiff, or 2279
investigator to attend the academy. 2280

The Ohio peace officer training commission shall develop the 2281
training program, which shall include courses in both the civil 2282
and criminal functions of law enforcement officers, a course in 2283
crisis intervention with six or more hours of training, training 2284
in the handling of missing children and child abuse and neglect 2285
cases, and training on companion animal encounters and companion 2286
animal behavior, and shall establish rules governing 2287
qualifications for admission to the academy. The commission may 2288
require competitive examinations to determine fitness of 2289
prospective trainees, so long as the examinations or other 2290
criteria for admission to the academy are consistent with the 2291
provisions of Chapter 124. of the Revised Code. 2292

The Ohio peace officer training commission shall determine 2293
tuition costs sufficient in the aggregate to pay the costs of 2294
operating the academy. Tuition paid by a political subdivision of 2295
the state or by the state public defender's office shall be 2296

deposited into the state treasury to the credit of the peace 2297
officer training academy fee fund, which is hereby established. 2298
The attorney general shall use money in the fund to pay costs 2299
associated with operation of the academy. The costs of acquiring 2300
and equipping the academy shall be paid from appropriations made 2301
by the general assembly to the Ohio peace officer training 2302
commission for that purpose, from gifts or grants received for 2303
that purpose, or from fees for goods related to the academy. 2304

The Ohio peace officer training commission shall create a 2305
gaming-related curriculum for gaming agents. The Ohio peace 2306
officer training commission shall use money distributed to the 2307
Ohio peace officer training academy from the Ohio law enforcement 2308
training fund to first support the academy's training programs for 2309
gaming agents and gaming-related curriculum. The Ohio peace 2310
officer training commission may utilize existing training programs 2311
in other states that specialize in training gaming agents. 2312

The law enforcement officers, during the period of their 2313
training, shall receive compensation as determined by the 2314
political subdivision that sponsors them or, if the officer is a 2315
criminal investigator employed by the state public defender, as 2316
determined by the state public defender. The political subdivision 2317
may pay the tuition costs of the law enforcement officers they 2318
sponsor and the state public defender may pay the tuition costs of 2319
criminal investigators of that office who attend the academy. 2320

If trainee vacancies exist, the academy may train and issue 2321
certificates of satisfactory completion to peace officers who are 2322
employed by a campus police department pursuant to section 1713.50 2323
of the Revised Code, by a qualified nonprofit corporation police 2324
department pursuant to section 1702.80 of the Revised Code, or by 2325
a railroad company, who are amusement park police officers 2326
appointed and commissioned by a judge of the appropriate municipal 2327
court or county court pursuant to section 4973.17 of the Revised 2328

Code, or who are bank, savings and loan association, savings bank, 2329
credit union, or association of banks, savings and loan 2330
associations, savings banks, or credit unions, or hospital police 2331
officers appointed and commissioned by the secretary of state 2332
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2333
provided that no such officer shall be trained at the academy 2334
unless the officer meets the qualifications established for 2335
admission to the academy and the qualified nonprofit corporation 2336
police department; bank, savings and loan association, savings 2337
bank, credit union, or association of banks, savings and loan 2338
associations, savings banks, or credit unions; railroad company; 2339
hospital; or amusement park or the private college or university 2340
that established the campus police department prepays the entire 2341
cost of the training. A qualified nonprofit corporation police 2342
department; bank, savings and loan association, savings bank, 2343
credit union, or association of banks, savings and loan 2344
associations, savings banks, or credit unions; railroad company; 2345
hospital; or amusement park or a private college or university 2346
that has established a campus police department is not entitled to 2347
reimbursement from the state for any amount paid for the cost of 2348
training the bank, savings and loan association, savings bank, 2349
credit union, or association of banks, savings and loan 2350
associations, savings banks, or credit unions peace officers; the 2351
railroad company's peace officers; or the peace officers of the 2352
qualified nonprofit corporation police department, campus police 2353
department, hospital, or amusement park. 2354

The academy shall permit investigators employed by the state 2355
medical board to take selected courses that the board determines 2356
are consistent with its responsibilities for initial and 2357
continuing training of investigators as required under sections 2358
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2359
entire cost of training that investigators receive at the academy. 2360

The academy shall permit tactical medical professionals to attend training courses at the academy that are designed to qualify the professionals to carry firearms while on duty under section 109.771 of the Revised Code and that provide training comparable to training mandated under the rules required by division (A) of section 109.748 of the Revised Code. The executive director of the Ohio peace officer training commission may certify tactical medical professionals who satisfactorily complete the training courses. The law enforcement agency served by a tactical medical professional who attends the academy may pay the tuition costs of the professional.

(B) As used in this section:

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

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

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

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

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

(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

(5) "Companion animal" has the same meaning as in section 2392
959.131 of the Revised Code. 2393

Sec. 111.16. Except as provided in section 1701.041 of the 2394
Revised Code, the secretary of state shall charge and collect, for 2395
the benefit of the state, the following fees: 2396

(A) For filing and recording articles of incorporation of a 2397
domestic corporation, including designation of agent: 2398

(1) Wherein the corporation shall not be authorized to issue 2399
any shares of capital stock, ninety-nine dollars; 2400

(2) Wherein the corporation shall be authorized to issue 2401
shares of capital stock, with or without par value: 2402

(a) Ten cents for each share authorized up to and including 2403
one thousand shares; 2404

(b) Five cents for each share authorized in excess of one 2405
thousand shares up to and including ten thousand shares; 2406

(c) Two cents for each share authorized in excess of ten 2407
thousand shares up to and including fifty thousand shares; 2408

(d) One cent for each share authorized in excess of fifty 2409
thousand shares up to and including one hundred thousand shares; 2410

(e) One-half cent for each share authorized in excess of one 2411
hundred thousand shares up to and including five hundred thousand 2412
shares; 2413

(f) One-quarter cent for each share authorized in excess of 2414
five hundred thousand shares; provided no fee shall be less than 2415
ninety-nine dollars or greater than one hundred thousand dollars. 2416

(B) For filing and recording a certificate of amendment to or 2417
amended articles of incorporation of a domestic corporation, or 2418
for filing and recording a certificate of reorganization, a 2419
certificate of dissolution, or an amendment to a foreign license 2420

application:	2421
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	2422 2423
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	2424 2425 2426 2427 2428 2429 2430 2431
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	2432 2433
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	2434 2435
(C) For filing and recording articles of incorporation of a savings and loan association, ninety-nine dollars; and for filing and recording a certificate of amendment to or amended articles of incorporation of a savings and loan association, fifty dollars;	2436 2437 2438 2439
(D) For filing and recording a certificate of conversion, including a designation of agent, a certificate of merger, or a certificate of consolidation, ninety-nine dollars and, in the case of any new corporation resulting from a consolidation or any surviving corporation that has an increased number of shares authorized to be issued resulting from a merger, an additional sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued or represented in this state by each of the corporations for which a consolidation or merger is effected by the certificate;	2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450
(E) For filing and recording articles of incorporation of a	2451

credit union or the American credit union guaranty association, 2452
ninety-nine dollars, and for filing and recording a certificate of 2453
increase in capital stock or any other amendment of the articles 2454
of incorporation of a credit union or the association, fifty 2455
dollars; 2456

(F) For filing and recording articles of organization of a 2457
limited liability company, for filing and recording an application 2458
to become a registered foreign limited liability company, for 2459
filing and recording a registration application to become a 2460
domestic limited liability partnership, or for filing and 2461
recording an application to become a registered foreign limited 2462
liability partnership, ninety-nine dollars; 2463

(G) For filing and recording a certificate of limited 2464
partnership or an application for registration as a foreign 2465
limited partnership, or for filing an initial statement of 2466
partnership authority pursuant to section 1776.33 of the Revised 2467
Code, ninety-nine dollars; 2468

(H) For filing a copy of papers evidencing the incorporation 2469
of a municipal corporation or of annexation of territory by a 2470
municipal corporation, five dollars, to be paid by the municipal 2471
corporation, the petitioners therefor, or their agent; 2472

(I) For filing and recording any of the following: 2473

(1) A license to transact business in this state by a foreign 2474
corporation for profit pursuant to section 1703.04 of the Revised 2475
Code or a foreign nonprofit corporation pursuant to section 2476
1703.27 of the Revised Code, ninety-nine dollars; 2477

(2) A biennial report or biennial statement pursuant to 2478
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 2479
twenty-five dollars; 2480

(3) Except as otherwise provided in this section or any other 2481
section of the Revised Code, any other certificate or paper that 2482

is required to be filed and recorded or is permitted to be filed 2483
and recorded by any provision of the Revised Code with the 2484
secretary of state, twenty-five dollars. 2485

(J) For filing any certificate or paper not required to be 2486
recorded, five dollars; 2487

(K)(1) For making copies of any certificate or other paper 2488
filed in the office of the secretary of state, a fee not to exceed 2489
one dollar per page, except as otherwise provided in the Revised 2490
Code, and for creating and affixing the seal of the office of the 2491
secretary of state to any good standing or other certificate, five 2492
dollars. For copies of certificates or papers required by state 2493
officers for official purpose, no charge shall be made. 2494

(2) For creating and affixing the seal of the office of the 2495
secretary of state to the certificates described in division (E) 2496
of section 1701.81, division (E) of section 1701.811, division (E) 2497
of section 1705.38, division (E) of section 1705.381, division (D) 2498
of section 1702.43, division (E) of section 1775.47, division (E) 2499
of section 1775.55, division (E) of section 1776.70, division (E) 2500
of section 1776.74, division (E) of section 1782.433, or division 2501
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 2502

(L) For a minister's license to solemnize marriages, ten 2503
dollars; 2504

(M) For examining documents to be filed at a later date for 2505
the purpose of advising as to the acceptability of the proposed 2506
filing, fifty dollars; 2507

(N) Fifty dollars for filing and recording any of the 2508
following: 2509

(1) A certificate of dissolution and accompanying documents, 2510
or a certificate of cancellation, under section 1701.86, 1702.47, 2511
1705.43, 1706.471, 1776.65, or 1782.10 of the Revised Code; 2512

(2) A notice of dissolution of a foreign licensed corporation	2513
or a certificate of surrender of license by a foreign licensed	2514
corporation under section 1703.17 of the Revised Code;	2515
(3) The withdrawal of registration of a foreign or domestic	2516
limited liability partnership under section 1775.61, 1775.64,	2517
1776.81, or 1776.86 of the Revised Code, or the certificate of	2518
cancellation of registration of a foreign limited liability	2519
company under section 1705.57 or 1706.514 of the Revised Code;	2520
(4) The filing of a statement of denial under section 1776.34	2521
of the Revised Code, a statement of dissociation under section	2522
1776.57 of the Revised Code, a statement of disclaimer of general	2523
partner status under Chapter 1782. of the Revised Code, or a	2524
cancellation of disclaimer of general partner status under Chapter	2525
1782. of the Revised Code.	2526
(O) For filing a statement of continued existence by a	2527
nonprofit corporation, twenty-five dollars;	2528
(P) For filing a restatement under section 1705.08, 1706.161,	2529
or 1782.09 of the Revised Code, an amendment to a certificate of	2530
cancellation under section 1782.10 of the Revised Code, an	2531
amendment under section 1705.08, 1706.161, or 1782.09 of the	2532
Revised Code, or a correction under section 1705.55, 1706.173,	2533
1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or 1782.52 of the	2534
Revised Code, fifty dollars;	2535
(Q) For filing for reinstatement of an entity cancelled by	2536
operation of law, by the secretary of state, by order of the	2537
department of taxation, or by order of a court, twenty-five	2538
dollars;	2539
(R) For filing and recording any of the following:	2540
(1) A change of agent, resignation of agent, or change of	2541
agent's address under section 1701.07, 1702.06, 1703.041, 1703.27,	2542
1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04	2543

of the Revised Code, twenty-five dollars;	2544
(2) A multiple change of agent name or address,	2545
standardization of agent address, or resignation of agent under	2546
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55,	2547
1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised	2548
Code, one hundred twenty-five dollars, plus three dollars per	2549
entity record being changed, by the multiple agent update.	2550
(S) For filing and recording any of the following:	2551
(1) An application for the exclusive right to use a name or	2552
an application to reserve a name for future use under section	2553
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the	2554
Revised Code, thirty-nine dollars;	2555
(2) A trade name or fictitious name registration or report,	2556
thirty-nine dollars;	2557
(3) An application to renew any item covered by division	2558
(S)(1) or (2) of this section that is permitted to be renewed,	2559
twenty-five dollars;	2560
(4) An assignment of rights for use of a name covered by	2561
division (S)(1), (2), or (3) of this section, the cancellation of	2562
a name registration or name reservation that is so covered, or	2563
notice of a change of address of the registrant of a name that is	2564
so covered, twenty-five dollars.	2565
(T) For filing and recording a report to operate a business	2566
trust or a real estate investment trust, either foreign or	2567
domestic, ninety-nine dollars; and for filing and recording an	2568
amendment to a report or associated trust instrument, or a	2569
surrender of authority, to operate a business trust or real estate	2570
investment trust, fifty dollars;	2571
(U)(1) For filing and recording the registration of a	2572
trademark, service mark, or mark of ownership, one hundred	2573

twenty-five dollars;	2574
(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars.	2575 2576 2577 2578 2579
(V) For filing a service of process with the secretary of state, five dollars <u>per address to be served</u> , except as otherwise provided in any section of the Revised Code;	2580 2581 2582
(W) For making, recording, and forwarding a commission under section 107.06 of the Revised Code, the applicable fee specified in that section.	2583 2584 2585
Fees specified in this section may be paid by cash, check, or money order, by credit card in accordance with section 113.40 of the Revised Code, or by an alternative payment program in accordance with division (B) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code.	2586 2587 2588 2589 2590 2591 2592
Sec. 111.28. (A) There is hereby created in the state treasury the help America vote act (HAVA) fund. All moneys received by the secretary of state from the United States election assistance commission <u>for purposes established under the "Help America Vote Act of 2002," Pub. L. No. 107-252, as amended,</u> shall be credited to the fund. The secretary of state shall use the moneys credited to the fund for activities conducted pursuant to the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666 <u>that act</u> . All investment earnings of the fund shall be credited to the fund.	2593 2594 2595 2596 2597 2598 2599 2600 2601 2602
(B) There is hereby created in the state treasury the	2603

miscellaneous federal grants fund. All Except as otherwise 2604
provided in division (A) of this section, all moneys the secretary 2605
of state receives as grants from federal sources ~~that are not~~ 2606
~~otherwise designated~~ shall be credited to the fund. The secretary 2607
of state shall use the moneys credited to the fund for the 2608
purposes and activities required by the applicable federal grant 2609
agreements. All investment earnings of the fund shall be credited 2610
to the fund. 2611

Sec. 111.48. There is in the state treasury the address 2612
confidentiality program fund. The fund shall consist of money paid 2613
into the fund pursuant to division ~~(B)(10)~~ (B)(11) of section 2614
2929.18 and division (D) of section 2929.28 of the Revised Code 2615
and any money appropriated to the fund by the general assembly or 2616
donated to the fund. The secretary of state shall use the money in 2617
the fund for the purpose of administering the address 2618
confidentiality program described in sections 111.41 to 111.47 of 2619
the Revised Code. 2620

Sec. 113.70. As used in sections 113.70 to 113.77 of the 2621
Revised Code: 2622

(A) "Expenditure" means a payment, distribution, loan, 2623
advance, reimbursement, deposit, or gift of money from a state 2624
entity to any supplier. 2625

(B) "Political subdivision" means a county, city, village, 2626
public library, township, park district, school district, regional 2627
water and sewer district, or regional transit authority. 2628

(C) "Public library" means a library that is created, 2629
maintained, and regulated under Chapter 3375. of the Revised Code. 2630

(D) "School district" means a city, local, exempted village, 2631
or joint vocational school district; a science, technology, 2632
engineering, and mathematics school established under Chapter 2633

3326. of the Revised Code; or an educational service center. 2634

"School district" does not mean a community school established 2635

under Chapter 3314. of the Revised Code. 2636

(E) "State entity" means the general assembly, the supreme 2637

court, the court of claims, the office of an elected state 2638

officer, or a department, bureau, board, office, commission, 2639

agency, institution, instrumentality, or other governmental entity 2640

of this state established by the constitution or laws of this 2641

state for the exercise of any function of state government, but 2642

excludes a political subdivision, an institution of higher 2643

education, a state retirement system, and the city of Cincinnati 2644

retirement system. "State entity" does not include the nonprofit 2645

corporation formed under section 187.01 of the Revised Code. 2646

(F) "State retirement system" means the public employees 2647

retirement system, the Ohio police and fire pension fund, the 2648

state teachers retirement system, the school employees retirement 2649

system, and the state highway patrol retirement system. 2650

(G) "Supplier" means any person, partnership, corporation, 2651

association, organization, state entity, or other party, including 2652

any executive officer, legislative officer, judicial officer, or 2653

member or employee of a state entity, that does either of the 2654

following: 2655

(1) Sells, leases, or otherwise provides equipment, 2656

materials, goods, supplies, or services to a state entity pursuant 2657

to a contract between the supplier and a state entity; 2658

(2) Receives reimbursement from a state entity for any 2659

expense. 2660

Sec. 113.71. (A) The treasurer of state, in collaboration 2661

with the directors of budget and management and administrative 2662

services, shall establish and maintain the Ohio state and local 2663

government expenditure database. The database shall be accessible 2664
on the web site of the treasurer of state and the web site of the 2665
office of budget and management. 2666

(B) The database shall include information about expenditures 2667
made in each fiscal year that commences after the effective date 2668
of this section. 2669

(C) The database shall be accessible by members of the public 2670
without charge. 2671

(D) State entities shall assist in the development, 2672
establishment, operation, storage, hosting, and support of the 2673
database. State entities shall comply with sections 113.70 to 2674
113.77 of the Revised Code using existing resources. 2675

(E) The treasurer of state shall enter into an annual 2676
agreement with the directors of budget and management and 2677
administrative services to define data storage, data handling, 2678
user interface requirements, and other provisions considered 2679
necessary to ensure the proper maintenance and operation of the 2680
database. 2681

(F) Nothing in this section shall be construed to prohibit 2682
the treasurer of state from including any information in the base 2683
that is not required to be included under sections 113.70 to 2684
113.77 of the Revised Code and that is available to the public. 2685

Sec. 113.72. For each expenditure, the Ohio state and local 2686
government expenditure database shall include the following 2687
information: 2688

(A) The amount of the expenditure; 2689

(B) The date the expenditure was paid; 2690

(C) The supplier to which the expenditure was paid; 2691

(D) The state entity that made the expenditure or requested 2692

the expenditure be made. 2693

Sec. 113.73. (A) The Ohio state and local government expenditure database shall include the following features: 2694
2695

(1) A searchable database of all expenditures; 2696

(2) The ability to filter expenditures by the following categories: 2697
2698

(a) The category of expense; 2699

(b) The Ohio administrative knowledge system accounting code for a specific good or service. 2700
2701

(3) The ability to search and filter by any of the factors listed in section 113.72 of the Revised Code; 2702
2703

(4) The ability to aggregate data contained in the database; 2704

(5) The ability to determine the total amount of expenditures awarded to a supplier by a state entity; 2705
2706

(6) The ability to download information obtained through the database; 2707
2708

(7) A searchable database of state and school district employee salary and employment information. 2709
2710

(B) The information required under division (A)(7) of this section shall be provided by the department of administrative services or the department of education, as applicable. 2711
2712
2713

Sec. 113.74. Not later than one year after the Ohio state and local government expenditure database is implemented, the treasurer of state shall coordinate with the director of budget and management to provide an opportunity for public comment as to the utility of the database. 2714
2715
2716
2717
2718

Sec. 113.75. The Ohio state and local government expenditure 2719

database shall not include any information that is determined to 2720
be confidential or is not a public record under the laws of this 2721
state. All of the following are not liable for the disclosure of a 2722
record contained in the Ohio state and local government 2723
expenditure database that is determined to be confidential or is 2724
not a public record under the laws of this state: 2725

(A) The treasurer of state; 2726

(B) Employees of the treasurer of state; 2727

(C) A state entity; 2728

(D) Any employee of a state entity that provides information 2729
to the database. 2730

Sec. 113.76. Each state entity shall display on its web site 2731
a prominent internet link to the Ohio state and local government 2732
expenditure database. 2733

Sec. 113.77. A political subdivision or state retirement 2734
system may agree to have information on expenditures made by the 2735
political subdivision or state retirement system included in the 2736
Ohio state and local government expenditure database. If a 2737
political subdivision or state retirement system agrees to include 2738
the information in the database, the political subdivision or 2739
state retirement system shall provide the information to the 2740
treasurer of state and comply with sections 113.70 to 113.77 of 2741
the Revised Code in the same manner as a state entity. 2742

Sec. 117.04. The auditor of state shall appoint a chief 2743
deputy auditor of state, ~~whose~~ who shall be a certified public 2744
accountant with an active Ohio permit. The appointment shall be in 2745
writing under the official seal of the auditor of state and 2746
recorded in the office of the secretary of state. 2747

Sec. 117.05. Before entering upon the discharge of the duties 2748
of ~~his~~ office, the chief deputy auditor of state shall give a bond 2749
to the auditor of state in the sum of ten thousand dollars, with a 2750
surety approved by the auditor of state, conditioned for the 2751
faithful discharge of the duties of ~~his~~ the chief deputy's office. 2752
2753

Sec. 117.06. During the absence or disability of the auditor 2754
of state, or when so directed by ~~him~~ the auditor of state, the 2755
chief deputy auditor of state may perform all the duties of 2756
auditor of state. 2757

Sec. 117.09. ~~By~~ The auditor of state, by virtue of the 2758
office, ~~the auditor of state~~ shall be the ~~chief inspector and~~ 2759
~~supervisor of~~ lead public official responsible for the 2760
examination, analysis, inspection, and audits of all public 2761
offices ~~and~~. The auditor of state may hire, appoint ~~not more than~~ 2762
~~six deputy inspectors and supervisors and a clerk. Not more than~~ 2763
~~three deputy inspectors and supervisors shall belong to the same~~ 2764
~~political party.~~ 2765

~~The auditor of state shall appoint such state examiners as~~ 2766
~~are necessary, who shall be known as assistant auditors of state,~~ 2767
~~and such additional employees as the auditor of state requires. No~~ 2768
~~person shall be appointed an assistant auditor of state unless the~~ 2769
~~person holds a baccalaureate degree from an accredited college or~~ 2770
~~university, or has successfully completed at least sixteen~~ 2771
~~semester hours or the equivalent in accounting or a related field~~ 2772
~~from an accredited college or university or an accredited trade,~~ 2773
~~technical, or vocational school beyond the high school level, or~~ 2774
~~possesses at least three years' experience in accounting or a~~ 2775
~~related field.~~ 2776

~~Any employee called upon to testify in any legal proceedings~~ 2777

~~in regard to any official matter is entitled to compensation and 2778
expenses provided in this section. Each employee shall be 2779
reimbursed for travel, including meals, hotels, and other actual 2780
and necessary expenses when traveling on official business, under 2781
order of the auditor of state, away from the employee's 2782
headquarters or place of principal assignment, in the manner and 2783
at the same rates as are provided by the rules of the director of 2784
budget and management governing travel. 2785~~

~~The auditor of state may employ experts or assistants 2786
necessary to disclose the facts concerning any matter and, and fix 2787
their the compensation of auditors, investigators, and other staff 2788
necessary to carry out the statutory responsibilities of the 2789
office. 2790~~

Sec. 117.13. (A) The total costs of audits of state agencies, 2791
both direct and indirect, shall be recovered by the auditor of 2792
state in the following manner: 2793

(1) The total costs of all audits of state agencies, both 2794
direct and indirect, shall be paid to the auditor of state on 2795
statements rendered by the auditor of state. Money so received by 2796
the auditor of state shall be paid into the state treasury to the 2797
credit of the public audit expense fund--intrastate, which is 2798
hereby created, and shall be used to pay costs related to such 2799
audits. The costs of audits of a state agency shall be charged to 2800
the state agency being audited, unless otherwise determined by the 2801
auditor of state. The costs of any ~~assistant auditor,~~ employee, or 2802
expert employed pursuant to section 117.09 of the Revised Code 2803
called upon to testify in any legal proceedings in regard to any 2804
audit, or called upon to review or discuss any matter related to 2805
any audit, may be charged to the state agency to which the audit 2806
relates. 2807

(2) The auditor of state shall determine and publish annually 2808

rates to be charged to state agencies for recovering the costs of 2809
audits of state agencies. The rates shall take into consideration 2810
federal cost recovery guidelines. 2811

(B) As used in this division, "government auditing standards" 2812
means the government auditing standards published by the 2813
comptroller general of the United States general accounting 2814
office. 2815

(1) Except as provided in divisions (B)(2) and (3) of this 2816
section, any costs of an audit of a private institution, 2817
association, board, or corporation receiving public money for its 2818
use shall be charged to the public office providing the public 2819
money in the same manner as costs of an audit of the public 2820
office. 2821

(2) If an audit of a private child placing agency or private 2822
noncustodial agency receiving public money from a public children 2823
services agency for providing child welfare or child protection 2824
services sets forth that money has been illegally expended, 2825
converted, misappropriated, or is unaccounted for, the costs of 2826
the audit shall be charged to the agency being audited in the same 2827
manner as costs of an audit of a public office, unless the 2828
findings are inconsequential, as defined by government auditing 2829
standards. 2830

(3) If such an audit does not set forth that money has been 2831
illegally expended, converted, misappropriated, or is unaccounted 2832
for or sets forth findings that are inconsequential, as defined by 2833
government auditing standards, the costs of the audit shall be 2834
charged as follows: 2835

(a) One-third of the costs to the agency being audited; 2836

(b) One-third of the costs to the public children services 2837
agency that provided the public money to the agency being audited; 2838

(c) One-third of the costs to the department of job and 2839

family services. 2840

(C) The total costs of audits of local public offices, both 2841
direct and indirect, shall be recovered by the auditor of state in 2842
the following manner: 2843

(1) The total costs of all audits of local public offices, 2844
both direct and indirect, shall be paid to the auditor of state on 2845
statements rendered by the auditor of state. Money so received by 2846
the auditor of state shall be paid into the state treasury to the 2847
credit of the public audit expense fund-local government, which is 2848
hereby created, and shall be used to pay costs related to such 2849
audits. The costs of audits of a local public office shall be 2850
charged to the local public office being audited, unless otherwise 2851
determined by the auditor of state. The charges billed to the 2852
local public office for the cost of audits performed shall be 2853
offset subject to the availability of resources from the local 2854
government audit support fund created under section 117.131 of the 2855
Revised Code, the general revenue fund, or other state sources 2856
provided to the auditor of state for such purposes. The auditor of 2857
state shall establish the manner in which the offset shall be 2858
determined. The costs of any ~~assistant auditor~~, employee, or 2859
expert employed pursuant to section 117.09 of the Revised Code 2860
called upon to testify in any legal proceedings in regard to any 2861
audit, or called upon to review or discuss any matter related to 2862
any audit, may be charged to the public office to which the audit 2863
relates. 2864

(2) At the conclusion of each audit, or analysis and report 2865
made pursuant to section 117.24 of the Revised Code, the fiscal 2866
officer of the local public office audited may allocate the 2867
charges billed for the cost of the audit, or of the audit and the 2868
analysis and report to appropriate funds using a methodology that 2869
follows guidance provided by the auditor of state. 2870

(3) The auditor of state shall provide each local public 2871

office a statement or certification of the amount due from the 2872
public office for services performed by the auditor of state under 2873
this or any other section of the Revised Code, as well as the date 2874
upon which payment is due to the auditor of state. The auditor of 2875
state is authorized to negotiate with any local public office and, 2876
upon agreement between the auditor of state and the local public 2877
office, may adopt a schedule for payment of the amount due under 2878
this section. Any local public office that does not pay the amount 2879
due to the auditor of state by that date may be assessed by the 2880
auditor of state for interest from the date upon which the payment 2881
is due at the rate per annum prescribed by section 5703.47 of the 2882
Revised Code. All interest charges assessed by the auditor of 2883
state may be collected in the same manner as audit costs pursuant 2884
to division (D) of this section. 2885

(4) The auditor of state shall determine and publish annually 2886
rates to be charged to local public offices for recovering the 2887
costs of audits of local public offices. 2888

(D) If the auditor of state fails to receive payment for any 2889
amount due, including, but not limited to, fines, fees, and costs, 2890
from a public office for services performed under this or any 2891
other section of the Revised Code, the auditor of state may seek 2892
payment through the office of budget and management. (Amounts due 2893
include any amount due to an independent public accountant with 2894
whom the auditor has contracted to perform services, all costs and 2895
fees associated with participation in the uniform accounting 2896
network, and all costs associated with the auditor's provision of 2897
local government services.) Upon certification by the auditor of 2898
state to the director of budget and management of any such amount 2899
due, the director shall withhold from the public office any amount 2900
available, up to and including the amount certified as due, from 2901
any funds under the director's control that belong to or are 2902
lawfully payable or due to the public office. The director shall 2903

promptly pay the amount withheld to the auditor of state. If the
director determines that no funds due and payable to the public
office are available or that insufficient amounts of such funds
are available to cover the amount due, the director shall withhold
and pay to the auditor of state the amounts available and, in the
case of a local public office, certify the remaining amount to the
county auditor of the county in which the local public office is
located. The county auditor shall withhold from the local public
office any amount available, up to and including the amount
certified as due, from any funds under the county auditor's
control and belonging to or lawfully payable or due to the local
public office. The county auditor shall promptly pay any such
amount withheld to the auditor of state.

Sec. 117.22. The public accountant conducting an audit under
this chapter may request the auditor of state, the chief deputy
auditor of state, ~~a deputy inspector and supervisor of public
offices, or an assistant or an auditor or investigator of the~~
auditor of state, to exercise any authority granted under section
117.18 of the Revised Code for the purpose of assisting in the
conduct of the audit. ~~Assistant auditors of state and experts or
other assistants shall be compensated as provided by sections
117.09 and 117.12 of the Revised Code.~~

Sec. 117.55. (A) As used in this section:

(1) "Entity" means, whether for profit or nonprofit, a
corporation, association, partnership, limited liability company,
sole proprietorship, or other business entity. "Entity" does not
include an individual who receives state assistance that is not
related to the individual's business.

(2) "State award for economic development" means state
financial assistance and expenditure in any of the following

forms: grants, subgrants, loans, awards, cooperative agreements, 2934
or other similar and related forms of financial assistance and 2935
contracts, subcontracts, purchase orders, task orders, delivery 2936
orders, or other similar and related transactions. It does not 2937
include compensation received as an employee of the state or any 2938
state financial assistance and expenditure received from the 2939
general assembly or any legislative agency, any court or judicial 2940
agency, or from the offices of the attorney general, the secretary 2941
of state, the auditor of state, or the treasurer of state. 2942

(B) Not later than thirty days after the end of the state 2943
fiscal year, the department of development shall send the auditor 2944
of state a list of state awards for economic development. The 2945
auditor of state shall review each award and determine if an 2946
entity is in compliance with the terms and conditions, including 2947
performance metrics, of a state award for economic development 2948
received by that entity. 2949

(C) The auditor of state shall publish a report of its 2950
reviews and determinations not later than ninety days after 2951
receipt of the list of state awards from the department of 2952
development. 2953

(D) When the auditor of state finds that an entity that 2954
receives or has received a state award for economic development is 2955
not in compliance with a performance metric that is specified in 2956
the terms and conditions of the award, the auditor of state shall 2957
report the findings to the attorney general. The attorney general 2958
may pursue against and from that entity such remedies and 2959
recoveries as are available under law. 2960

(E) If the auditor of state is authorized to conduct an audit 2961
of an entity that receives or has received a state award for 2962
economic development, the audit shall be conducted in accordance 2963
with Chapter 117. of the Revised Code. 2964

Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 2965
(3) of this section, any party adversely affected by any order of 2966
an agency issued pursuant to an adjudication denying an applicant 2967
admission to an examination, or denying the issuance or renewal of 2968
a license or registration of a licensee, or revoking or suspending 2969
a license, or allowing the payment of a forfeiture under section 2970
4301.252 of the Revised Code may appeal from the order of the 2971
agency to the court of common pleas of the county in which the 2972
place of business of the licensee is located or the county in 2973
which the licensee is a resident. 2974

(2) An appeal from an order described in division (A)(1) of 2975
this section issued by any of the following agencies shall be made 2976
to the court of common pleas of Franklin county: 2977

(a) The liquor control commission; 2978

(b) The Ohio casino control commission; 2979

(c) The state medical board; 2980

~~(e)~~(d) The state chiropractic board; 2981

~~(d)~~(e) The board of nursing; 2982

~~(e)~~(f) The bureau of workers' compensation regarding 2983
participation in the health partnership program created in 2984
sections 4121.44 and 4121.441 of the Revised Code; 2985

(g) The occupational therapy, physical therapy, and athletic 2986
trainers board. 2987

(3) If any party appealing from an order described in 2988
division (A)(1) of this section is not a resident of and has no 2989
place of business in this state, the party may appeal to the court 2990
of common pleas of Franklin county. 2991

(B) Any party adversely affected by any order of an agency 2992
issued pursuant to any other adjudication may appeal to the court 2993

of common pleas of Franklin county, except that appeals from 2994
orders of the fire marshal issued under Chapter 3737. of the 2995
Revised Code may be to the court of common pleas of the county in 2996
which the building of the aggrieved person is located and except 2997
that appeals under division (B) of section 124.34 of the Revised 2998
Code from a decision of the state personnel board of review or a 2999
municipal or civil service township civil service commission shall 3000
be taken to the court of common pleas of the county in which the 3001
appointing authority is located or, in the case of an appeal by 3002
the department of rehabilitation and correction, to the court of 3003
common pleas of Franklin county. 3004

(C) This section does not apply to appeals from the 3005
department of taxation. 3006

(D) Any party desiring to appeal shall file a notice of 3007
appeal with the agency setting forth the order appealed from and 3008
stating that the agency's order is not supported by reliable, 3009
probative, and substantial evidence and is not in accordance with 3010
law. The notice of appeal may, but need not, set forth the 3011
specific grounds of the party's appeal beyond the statement that 3012
the agency's order is not supported by reliable, probative, and 3013
substantial evidence and is not in accordance with law. The notice 3014
of appeal shall also be filed by the appellant with the court. In 3015
filing a notice of appeal with the agency or court, the notice 3016
that is filed may be either the original notice or a copy of the 3017
original notice. Unless otherwise provided by law relating to a 3018
particular agency, notices of appeal shall be filed within fifteen 3019
days after the mailing of the notice of the agency's order as 3020
provided in this section. For purposes of this paragraph, an order 3021
includes a determination appealed pursuant to division (C) of 3022
section 119.092 of the Revised Code. The amendments made to this 3023
paragraph by Sub. H.B. 215 of the 128th general assembly are 3024
procedural, and this paragraph as amended by those amendments 3025

shall be applied retrospectively to all appeals pursuant to this 3026
paragraph filed before September 13, 2010, but not earlier than 3027
May 7, 2009, which was the date the supreme court of Ohio released 3028
its opinion and judgment in *Medcorp, Inc. v. Ohio Dep't. of Job* 3029
and Family Servs. (2009), 121 Ohio St.3d 622. 3030

(E) The filing of a notice of appeal shall not automatically 3031
operate as a suspension of the order of an agency. If it appears 3032
to the court that an unusual hardship to the appellant will result 3033
from the execution of the agency's order pending determination of 3034
the appeal, the court may grant a suspension and fix its terms. If 3035
an appeal is taken from the judgment of the court and the court 3036
has previously granted a suspension of the agency's order as 3037
provided in this section, the suspension of the agency's order 3038
shall not be vacated and shall be given full force and effect 3039
until the matter is finally adjudicated. No renewal of a license 3040
or permit shall be denied by reason of the suspended order during 3041
the period of the appeal from the decision of the court of common 3042
pleas. In the case of an appeal from the Ohio casino control 3043
commission, the state medical board, or the state chiropractic 3044
board, the court may grant a suspension and fix its terms if it 3045
appears to the court that an unusual hardship to the appellant 3046
will result from the execution of the agency's order pending 3047
determination of the appeal and the health, safety, and welfare of 3048
the public will not be threatened by suspension of the order. This 3049
provision shall not be construed to limit the factors the court 3050
may consider in determining whether to suspend an order of any 3051
other agency pending determination of an appeal. 3052

(F) The final order of adjudication may apply to any renewal 3053
of a license or permit which has been granted during the period of 3054
the appeal. 3055

(G) Notwithstanding any other provision of this section, any 3056
order issued by a court of common pleas or a court of appeals 3057

suspending the effect of an order of the liquor control commission 3058
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3059
suspends, revokes, or cancels a permit issued under Chapter 4303. 3060
of the Revised Code or that allows the payment of a forfeiture 3061
under section 4301.252 of the Revised Code shall terminate not 3062
more than six months after the date of the filing of the record of 3063
the liquor control commission with the clerk of the court of 3064
common pleas and shall not be extended. The court of common pleas, 3065
or the court of appeals on appeal, shall render a judgment in that 3066
matter within six months after the date of the filing of the 3067
record of the liquor control commission with the clerk of the 3068
court of common pleas. A court of appeals shall not issue an order 3069
suspending the effect of an order of the liquor control commission 3070
that extends beyond six months after the date on which the record 3071
of the liquor control commission is filed with a court of common 3072
pleas. 3073

(H) Notwithstanding any other provision of this section, any 3074
order issued by a court of common pleas or a court of appeals 3075
suspending the effect of an order of the Ohio casino control 3076
commission issued under Chapter 3772. of the Revised Code that 3077
limits, conditions, restricts, suspends, revokes, denies, not 3078
renews, fines, or otherwise penalizes an applicant, licensee, or 3079
person excluded or ejected from a casino facility in accordance 3080
with section 3772.031 of the Revised Code shall terminate not more 3081
than six months after the date of the filing of the record of the 3082
Ohio casino control commission with the clerk of the court of 3083
common pleas and shall not be extended. The court of common pleas, 3084
or the court of appeals on appeal, shall render a judgment in that 3085
matter within six months after the date of the filing of the 3086
record of the Ohio casino control commission with the clerk of the 3087
court of common pleas. A court of appeals shall not issue an order 3088
suspending the effect of an order of the Ohio casino control 3089
commission that extends beyond six months after the date on which 3090

the record of the Ohio casino control commission is filed with the clerk of a court of common pleas.

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

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

~~(J)~~(K) Notwithstanding any other provision of this section, any party desiring to appeal an order or decision of the state personnel board of review shall, at the time of filing a notice of appeal with the board, provide a security deposit in an amount and

manner prescribed in rules that the board shall adopt in 3123
accordance with this chapter. In addition, the board is not 3124
required to prepare or transcribe the record of any of its 3125
proceedings unless the appellant has provided the deposit 3126
described above. The failure of the board to prepare or transcribe 3127
a record for an appellant who has not provided a security deposit 3128
shall not cause a court to enter a finding adverse to the board. 3129

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 3130
the appeal, the court is confined to the record as certified to it 3131
by the agency. Unless otherwise provided by law, the court may 3132
grant a request for the admission of additional evidence when 3133
satisfied that the additional evidence is newly discovered and 3134
could not with reasonable diligence have been ascertained prior to 3135
the hearing before the agency. 3136

~~(L)~~(M) The court shall conduct a hearing on the appeal and 3137
shall give preference to all proceedings under sections 119.01 to 3138
119.13 of the Revised Code, over all other civil cases, 3139
irrespective of the position of the proceedings on the calendar of 3140
the court. An appeal from an order of the state medical board 3141
issued pursuant to division (G) of either section 4730.25 or 3142
4731.22 of the Revised Code, the state chiropractic board issued 3143
pursuant to section 4734.37 of the Revised Code, the liquor 3144
control commission issued pursuant to Chapter 4301. or 4303. of 3145
the Revised Code, or the Ohio casino control commission issued 3146
pursuant to Chapter 3772. of the Revised Code shall be set down 3147
for hearing at the earliest possible time and takes precedence 3148
over all other actions. The hearing in the court of common pleas 3149
shall proceed as in the trial of a civil action, and the court 3150
shall determine the rights of the parties in accordance with the 3151
laws applicable to a civil action. At the hearing, counsel may be 3152
heard on oral argument, briefs may be submitted, and evidence may 3153
be introduced if the court has granted a request for the 3154

presentation of additional evidence. 3155

~~(M)~~(N) The court may affirm the order of the agency 3156
complained of in the appeal if it finds, upon consideration of the 3157
entire record and any additional evidence the court has admitted, 3158
that the order is supported by reliable, probative, and 3159
substantial evidence and is in accordance with law. In the absence 3160
of this finding, it may reverse, vacate, or modify the order or 3161
make such other ruling as is supported by reliable, probative, and 3162
substantial evidence and is in accordance with law. The court 3163
shall award compensation for fees in accordance with section 3164
2335.39 of the Revised Code to a prevailing party, other than an 3165
agency, in an appeal filed pursuant to this section. 3166

~~(N)~~(O) The judgment of the court shall be final and 3167
conclusive unless reversed, vacated, or modified on appeal. These 3168
appeals may be taken either by the party or the agency, shall 3169
proceed as in the case of appeals in civil actions, and shall be 3170
pursuant to the Rules of Appellate Procedure and, to the extent 3171
not in conflict with those rules, Chapter 2505. of the Revised 3172
Code. An appeal by the agency shall be taken on questions of law 3173
relating to the constitutionality, construction, or interpretation 3174
of statutes and rules of the agency, and, in the appeal, the court 3175
may also review and determine the correctness of the judgment of 3176
the court of common pleas that the order of the agency is not 3177
supported by any reliable, probative, and substantial evidence in 3178
the entire record. 3179

The court shall certify its judgment to the agency or take 3180
any other action necessary to give its judgment effect. 3181

Sec. 121.02. The following administrative departments and 3182
their respective directors are hereby created: 3183

(A) The office of budget and management, which shall be 3184
administered by the director of budget and management; 3185

(B) The department of commerce, which shall be administered by the director of commerce;	3186 3187
(C) The department of administrative services, which shall be administered by the director of administrative services;	3188 3189
(D) The department of transportation, which shall be administered by the director of transportation;	3190 3191
(E) The department of agriculture, which shall be administered by the director of agriculture;	3192 3193
(F) The department of natural resources, which shall be administered by the director of natural resources;	3194 3195
(G) The department of health, which shall be administered by the director of health;	3196 3197
(H) The department of job and family services, which shall be administered by the director of job and family services;	3198 3199
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	3200 3201
(J) The department of public safety, which shall be administered by the director of public safety;	3202 3203
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	3204 3205 3206
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	3207 3208
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	3209 3210
(N) The <u>department of development</u> services agency , which shall be administered by the director of development services ;	3211 3212
(O) The department of youth services, which shall be administered by the director of youth services;	3213 3214

(P) The department of rehabilitation and correction, which 3215
shall be administered by the director of rehabilitation and 3216
correction; 3217

(Q) The environmental protection agency, which shall be 3218
administered by the director of environmental protection; 3219

(R) The department of aging, which shall be administered by 3220
the director of aging; 3221

(S) The department of veterans services, which shall be 3222
administered by the director of veterans services; 3223

(T) The department of medicaid, which shall be administered 3224
by the medicaid director. 3225

The director of each department shall exercise the powers and 3226
perform the duties vested by law in such department. 3227

Sec. 121.03. The following administrative department heads 3228
shall be appointed by the governor, with the advice and consent of 3229
the senate, and shall hold their offices during the term of the 3230
appointing governor, and are subject to removal at the pleasure of 3231
the governor. 3232

(A) The director of budget and management; 3233

(B) The director of commerce; 3234

(C) The director of transportation; 3235

(D) The director of agriculture; 3236

(E) The director of job and family services; 3237

(F) Until July 1, 1997, the director of liquor control; 3238

(G) The director of public safety; 3239

(H) The superintendent of insurance; 3240

(I) The director of development ~~services~~; 3241

(J) The tax commissioner;	3242
(K) The director of administrative services;	3243
(L) The director of natural resources;	3244
(M) The director of mental health and addiction services;	3245
(N) The director of developmental disabilities;	3246
(O) The director of health;	3247
(P) The director of youth services;	3248
(Q) The director of rehabilitation and correction;	3249
(R) The director of environmental protection;	3250
(S) The director of aging;	3251
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3252 3253 3254
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3255 3256
(V) The chancellor of higher education;	3257
(W) The medicaid director.	3258
Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not	3259 3260 3261 3262 3263 3264 3265 3266 3267 3268 3269

subject to the control of the department or the director of 3270
commerce. In the absence of the superintendent of financial 3271
institutions, the director of commerce shall, for a limited period 3272
of time, perform or exercise any of those functions, powers, or 3273
duties or authorize the deputy superintendent for banks to perform 3274
or exercise any of the functions, ~~power~~ powers, or duties vested 3275
by Title XI and sections 1315.01 to 1315.18 of the Revised Code in 3276
the superintendent and the deputy superintendent for credit unions 3277
to perform or exercise any of the functions, powers, or duties 3278
vested by Chapters 1733. and 1761. of the Revised Code in the 3279
superintendent. 3280

(B) With the approval of the governor, the director of each 3281
department shall establish divisions within the department, and 3282
distribute the work of the department among such divisions. Each 3283
officer created by section 121.04 of the Revised Code shall be the 3284
head of such a division, except for the equal opportunity 3285
employment coordinator, who shall report to a position determined 3286
by the director of administrative services. 3287

With the approval of the governor, the director of each 3288
department may consolidate any two or more of the offices created 3289
in the department by section 121.04 of the Revised Code, or reduce 3290
the number of or create new divisions therein. 3291

The director of each department may prescribe rules for the 3292
government of the department, the conduct of its employees, the 3293
performance of its business, and the custody, use, and 3294
preservation of the records, papers, books, documents, and 3295
property pertaining thereto. 3296

Sec. 121.08. (A) There is hereby created in the department of 3297
commerce the position of deputy director of administration. This 3298
officer shall be appointed by the director of commerce, serve 3299
under the director's direction, supervision, and control, perform 3300

the duties the director prescribes, and hold office during the 3301
director's pleasure. The director of commerce may designate an 3302
assistant director of commerce to serve as the deputy director of 3303
administration. The deputy director of administration shall 3304
perform the duties prescribed by the director of commerce in 3305
supervising the activities of the division of administration of 3306
the department of commerce. 3307

(B) Except as provided in section 121.07 of the Revised Code, 3308
the department of commerce shall have all powers and perform all 3309
duties vested in the deputy director of administration, the state 3310
fire marshal, the superintendent of financial institutions, the 3311
superintendent of real estate and professional licensing, the 3312
superintendent of liquor control, the superintendent of industrial 3313
compliance, the superintendent of unclaimed funds, and the 3314
commissioner of securities, and shall have all powers and perform 3315
all duties vested by law in all officers, deputies, and employees 3316
of those offices. Except as provided in section 121.07 of the 3317
Revised Code, wherever powers are conferred or duties imposed upon 3318
any of those officers, the powers and duties shall be construed as 3319
vested in the department of commerce. 3320

(C)(1) There is hereby created in the department of commerce 3321
a division of financial institutions, which shall have all powers 3322
and perform all duties vested by law in the superintendent of 3323
financial institutions. Wherever powers are conferred or duties 3324
imposed upon the superintendent of financial institutions, those 3325
powers and duties shall be construed as vested in the division of 3326
financial institutions. The division of financial institutions 3327
shall be administered by the superintendent of financial 3328
institutions. 3329

(2) All provisions of law governing the superintendent of 3330
financial institutions shall apply to and govern the 3331

superintendent of financial institutions provided for in this 3332
section; all authority vested by law in the superintendent of 3333
financial institutions with respect to the management of the 3334
division of financial institutions shall be construed as vested in 3335
the superintendent of financial institutions created by this 3336
section with respect to the division of financial institutions 3337
provided for in this section; and all rights, privileges, and 3338
emoluments conferred by law upon the superintendent of financial 3339
institutions shall be construed as conferred upon the 3340
superintendent of financial institutions as head of the division 3341
of financial institutions. The director of commerce shall not 3342
transfer from the division of financial institutions any of the 3343
functions specified in division (C)(2) of this section. 3344

(D) There is hereby created in the department of commerce a 3345
division of liquor control, which shall have all powers and 3346
perform all duties vested by law in the superintendent of liquor 3347
control. Wherever powers are conferred or duties are imposed upon 3348
the superintendent of liquor control, those powers and duties 3349
shall be construed as vested in the division of liquor control. 3350
The division of liquor control shall be administered by the 3351
superintendent of liquor control. 3352

(E) The director of commerce shall not be interested, 3353
directly or indirectly, in any firm or corporation which is a 3354
dealer in securities as defined in sections 1707.01 and 1707.14 of 3355
the Revised Code, or in any firm or corporation licensed under 3356
sections 1321.01 to 1321.19 of the Revised Code. 3357

(F) The director of commerce shall not have any official 3358
connection with a savings and loan association, a savings bank, a 3359
bank, a bank holding company, a savings and loan association 3360
holding company, a consumer finance company, or a credit union 3361
that is under the supervision of the division of financial 3362
institutions, or a subsidiary of any of the preceding entities, or 3363

be interested in the business thereof. 3364

(G) There is hereby created in the state treasury the 3365
division of administration fund. The fund shall receive 3366
assessments on the operating funds of the department of commerce 3367
in accordance with procedures prescribed by the director of 3368
commerce ~~and approved by the director of budget and management.~~ 3369
All operating expenses of the division of administration shall be 3370
paid from the division of administration fund. 3371

(H) There is hereby created in the department of commerce a 3372
division of real estate and professional licensing, which shall be 3373
under the control and supervision of the director of commerce. The 3374
division of real estate and professional licensing shall be 3375
administered by the superintendent of real estate and professional 3376
licensing. The superintendent of real estate and professional 3377
licensing shall exercise the powers and perform the functions and 3378
duties delegated to the superintendent under Chapters 4735., 3379
4763., 4764., 4767., and 4768. of the Revised Code. 3380

(I) There is hereby created in the department of commerce a 3381
division of industrial compliance, which shall have all powers and 3382
perform all duties vested by law in the superintendent of 3383
industrial compliance. Wherever powers are conferred or duties 3384
imposed upon the superintendent of industrial compliance, those 3385
powers and duties shall be construed as vested in the division of 3386
industrial compliance. The division of industrial compliance shall 3387
be under the control and supervision of the director of commerce 3388
and be administered by the superintendent of industrial 3389
compliance. 3390

(J) There is hereby created in the department of commerce a 3391
division of unclaimed funds, which shall have all powers and 3392
perform all duties delegated to or vested by law in the 3393
superintendent of unclaimed funds. Wherever powers are conferred 3394
or duties imposed upon the superintendent of unclaimed funds, 3395

those powers and duties shall be construed as vested in the 3396
division of unclaimed funds. The division of unclaimed funds shall 3397
be under the control and supervision of the director of commerce 3398
and shall be administered by the superintendent of unclaimed 3399
funds. The superintendent of unclaimed funds shall exercise the 3400
powers and perform the functions and duties delegated to the 3401
superintendent by the director of commerce under section 121.07 3402
and Chapter 169. of the Revised Code, and as may otherwise be 3403
provided by law. 3404

(K) The department of commerce or a division of the 3405
department created by the Revised Code that is acting with 3406
authorization on the department's behalf may request from the 3407
bureau of criminal identification and investigation pursuant to 3408
section 109.572 of the Revised Code, or coordinate with 3409
appropriate federal, state, and local government agencies to 3410
accomplish, criminal records checks for the persons whose 3411
identities are required to be disclosed by an applicant for the 3412
issuance or transfer of a permit, license, certificate of 3413
registration, or certification issued or transferred by the 3414
department or division. At or before the time of making a request 3415
for a criminal records check, the department or division may 3416
require any person whose identity is required to be disclosed by 3417
an applicant for the issuance or transfer of such a license, 3418
permit, certificate of registration, or certification to submit to 3419
the department or division valid fingerprint impressions in a 3420
format and by any media or means acceptable to the bureau of 3421
criminal identification and investigation and, when applicable, 3422
the federal bureau of investigation. The department or division 3423
may cause the bureau of criminal identification and investigation 3424
to conduct a criminal records check through the federal bureau of 3425
investigation only if the person for whom the criminal records 3426
check would be conducted resides or works outside of this state or 3427
has resided or worked outside of this state during the preceding 3428

five years, or if a criminal records check conducted by the bureau 3429
of criminal identification and investigation within this state 3430
indicates that the person may have a criminal record outside of 3431
this state. 3432

In the case of a criminal records check under section 109.572 3433
of the Revised Code, the department or division shall forward to 3434
the bureau of criminal identification and investigation the 3435
requisite form, fingerprint impressions, and fee described in 3436
division (C) of that section. When requested by the department or 3437
division in accordance with this section, the bureau of criminal 3438
identification and investigation shall request from the federal 3439
bureau of investigation any information it has with respect to the 3440
person who is the subject of the requested criminal records check 3441
and shall forward the requisite fingerprint impressions and 3442
information to the federal bureau of investigation for that 3443
criminal records check. After conducting a criminal records check 3444
or receiving the results of a criminal records check from the 3445
federal bureau of investigation, the bureau of criminal 3446
identification and investigation shall provide the results to the 3447
department or division. 3448

The department or division may require any person about whom 3449
a criminal records check is requested to pay to the department or 3450
division the amount necessary to cover the fee charged to the 3451
department or division by the bureau of criminal identification 3452
and investigation under division (C)(3) of section 109.572 of the 3453
Revised Code, including, when applicable, any fee for a criminal 3454
records check conducted by the federal bureau of investigation. 3455

(L) The director of commerce, or the director's designee, may 3456
adopt rules to enhance compliance with statutes pertaining to, and 3457
rules adopted by, divisions under the direction, supervision, and 3458
control of the department or director by offering incentive-based 3459
programs that ensure safety and soundness while promoting growth 3460

and prosperity in the state. 3461

Sec. 121.084. (A) All moneys collected under sections 3462
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3463
4169.03, and 5104.051 of the Revised Code, and any other moneys 3464
collected by the division of industrial compliance shall be paid 3465
into the state treasury to the credit of the industrial compliance 3466
operating fund, which is hereby created. The department of 3467
commerce shall use the moneys in the fund for paying the operating 3468
expenses of the division and the administrative assessment 3469
described in division (B) of this section. 3470

(B) The director of commerce, ~~with the approval of the~~ 3471
~~director of budget and management,~~ shall prescribe procedures for 3472
assessing the industrial compliance operating fund a proportionate 3473
share of the administrative costs of the department of commerce. 3474
The assessment shall be made in accordance with those procedures 3475
and be paid from the industrial compliance operating fund to the 3476
division of administration fund created in section 121.08 of the 3477
Revised Code. 3478

Sec. 121.22. (A) This section shall be liberally construed to 3479
require public officials to take official action and to conduct 3480
all deliberations upon official business only in open meetings 3481
unless the subject matter is specifically excepted by law. 3482

(B) As used in this section: 3483

(1) "Public body" means any of the following: 3484

(a) Any board, commission, committee, council, or similar 3485
decision-making body of a state agency, institution, or authority, 3486
and any legislative authority or board, commission, committee, 3487
council, agency, authority, or similar decision-making body of any 3488
county, township, municipal corporation, school district, or other 3489
political subdivision or local public institution; 3490

(b) Any committee or subcommittee of a body described in	3491
division (B)(1)(a) of this section;	3492
(c) A court of jurisdiction of a sanitary district organized	3493
wholly for the purpose of providing a water supply for domestic,	3494
municipal, and public use when meeting for the purpose of the	3495
appointment, removal, or reappointment of a member of the board of	3496
directors of such a district pursuant to section 6115.10 of the	3497
Revised Code, if applicable, or for any other matter related to	3498
such a district other than litigation involving the district. As	3499
used in division (B)(1)(c) of this section, "court of	3500
jurisdiction" has the same meaning as "court" in section 6115.01	3501
of the Revised Code.	3502
(2) "Meeting" means any prearranged discussion of the public	3503
business of the public body by a majority of its members.	3504
(3) "Regulated individual" means either of the following:	3505
(a) A student in a state or local public educational	3506
institution;	3507
(b) A person who is, voluntarily or involuntarily, an inmate,	3508
patient, or resident of a state or local institution because of	3509
criminal behavior, mental illness, an intellectual disability,	3510
disease, disability, age, or other condition requiring custodial	3511
care.	3512
(4) "Public office" has the same meaning as in section	3513
149.011 of the Revised Code.	3514
(C) All meetings of any public body are declared to be public	3515
meetings open to the public at all times. A member of a public	3516
body shall be present in person at a meeting open to the public to	3517
be considered present or to vote at the meeting and for purposes	3518
of determining whether a quorum is present at the meeting.	3519
The minutes of a regular or special meeting of any public	3520

body shall be promptly prepared, filed, and maintained and shall 3521
be open to public inspection. The minutes need only reflect the 3522
general subject matter of discussions in executive sessions 3523
authorized under division (G) or (J) of this section. 3524

(D) This section does not apply to any of the following: 3525

(1) A grand jury; 3526

(2) An audit conference conducted by the auditor of state or 3527
independent certified public accountants with officials of the 3528
public office that is the subject of the audit; 3529

(3) The adult parole authority when its hearings are 3530
conducted at a correctional institution for the sole purpose of 3531
interviewing inmates to determine parole or pardon and the 3532
department of rehabilitation and correction when its hearings are 3533
conducted at a correctional institution for the sole purpose of 3534
making determinations under section 2967.271 of the Revised Code 3535
regarding the release or maintained incarceration of an offender 3536
to whom that section applies; 3537

(4) The organized crime investigations commission established 3538
under section 177.01 of the Revised Code; 3539

(5) Meetings of a child fatality review board established 3540
under section 307.621 of the Revised Code, meetings related to a 3541
review conducted pursuant to guidelines established by the 3542
director of health under section 3701.70 of the Revised Code, and 3543
meetings conducted pursuant to sections 5153.171 to 5153.173 of 3544
the Revised Code; 3545

(6) The state medical board when determining whether to 3546
suspend a license or certificate without a prior hearing pursuant 3547
to division (G) of either section 4730.25 or 4731.22 of the 3548
Revised Code; 3549

(7) The board of nursing when determining whether to suspend 3550

a license or certificate without a prior hearing pursuant to 3551
division (B) of section 4723.281 of the Revised Code; 3552

(8) The state board of pharmacy when determining whether to 3553
do either of the following: 3554

(a) Suspend a license, certification, or registration without 3555
a prior hearing, including during meetings conducted by telephone 3556
conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of 3557
the Revised Code and rules adopted thereunder; or 3558

(b) Restrict a person from obtaining further information from 3559
the drug database established in section 4729.75 of the Revised 3560
Code without a prior hearing pursuant to division (C) of section 3561
4729.86 of the Revised Code. 3562

(9) The state chiropractic board when determining whether to 3563
suspend a license without a hearing pursuant to section 4734.37 of 3564
the Revised Code; 3565

(10) The executive committee of the emergency response 3566
commission when determining whether to issue an enforcement order 3567
or request that a civil action, civil penalty action, or criminal 3568
action be brought to enforce Chapter 3750. of the Revised Code; 3569

(11) The board of directors of the nonprofit corporation 3570
formed under section 187.01 of the Revised Code or any committee 3571
thereof, and the board of directors of any subsidiary of that 3572
corporation or a committee thereof; 3573

(12) An audit conference conducted by the audit staff of the 3574
department of job and family services with officials of the public 3575
office that is the subject of that audit under section 5101.37 of 3576
the Revised Code; 3577

(13) The occupational therapy section of the occupational 3578
therapy, physical therapy, and athletic trainers board when 3579
determining whether to suspend a license ~~or limited permit~~ without 3580

a hearing pursuant to division (E) of section 4755.11 of the Revised Code;	3581 3582
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (F) of section 4755.47 of the Revised Code;	3583 3584 3585 3586
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;	3587 3588 3589 3590
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	3591 3592
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code.	3593 3594
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	3595 3596 3597 3598 3599 3600 3601 3602 3603
(1) Marketing plans;	3604
(2) Specific business strategy;	3605
(3) Production techniques and trade secrets;	3606
(4) Financial projections;	3607
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public	3608 3609 3610

inspection. 3611

The vote by the authority or board to accept or reject the 3612
application, as well as all proceedings of the authority or board 3613
not subject to this division, shall be open to the public and 3614
governed by this section. 3615

(F) Every public body, by rule, shall establish a reasonable 3616
method whereby any person may determine the time and place of all 3617
regularly scheduled meetings and the time, place, and purpose of 3618
all special meetings. A public body shall not hold a special 3619
meeting unless it gives at least twenty-four hours' advance notice 3620
to the news media that have requested notification, except in the 3621
event of an emergency requiring immediate official action. In the 3622
event of an emergency, the member or members calling the meeting 3623
shall notify the news media that have requested notification 3624
immediately of the time, place, and purpose of the meeting. 3625

The rule shall provide that any person, upon request and 3626
payment of a reasonable fee, may obtain reasonable advance 3627
notification of all meetings at which any specific type of public 3628
business is to be discussed. Provisions for advance notification 3629
may include, but are not limited to, mailing the agenda of 3630
meetings to all subscribers on a mailing list or mailing notices 3631
in self-addressed, stamped envelopes provided by the person. 3632

(G) Except as provided in divisions (G)(8) and (J) of this 3633
section, the members of a public body may hold an executive 3634
session only after a majority of a quorum of the public body 3635
determines, by a roll call vote, to hold an executive session and 3636
only at a regular or special meeting for the sole purpose of the 3637
consideration of any of the following matters: 3638

(1) To consider the appointment, employment, dismissal, 3639
discipline, promotion, demotion, or compensation of a public 3640
employee or official, or the investigation of charges or 3641

complaints against a public employee, official, licensee, or 3642
regulated individual, unless the public employee, official, 3643
licensee, or regulated individual requests a public hearing. 3644
Except as otherwise provided by law, no public body shall hold an 3645
executive session for the discipline of an elected official for 3646
conduct related to the performance of the elected official's 3647
official duties or for the elected official's removal from office. 3648
If a public body holds an executive session pursuant to division 3649
(G)(1) of this section, the motion and vote to hold that executive 3650
session shall state which one or more of the approved purposes 3651
listed in division (G)(1) of this section are the purposes for 3652
which the executive session is to be held, but need not include 3653
the name of any person to be considered at the meeting. 3654

(2) To consider the purchase of property for public purposes, 3655
the sale of property at competitive bidding, or the sale or other 3656
disposition of unneeded, obsolete, or unfit-for-use property in 3657
accordance with section 505.10 of the Revised Code, if premature 3658
disclosure of information would give an unfair competitive or 3659
bargaining advantage to a person whose personal, private interest 3660
is adverse to the general public interest. No member of a public 3661
body shall use division (G)(2) of this section as a subterfuge for 3662
providing covert information to prospective buyers or sellers. A 3663
purchase or sale of public property is void if the seller or buyer 3664
of the public property has received covert information from a 3665
member of a public body that has not been disclosed to the general 3666
public in sufficient time for other prospective buyers and sellers 3667
to prepare and submit offers. 3668

If the minutes of the public body show that all meetings and 3669
deliberations of the public body have been conducted in compliance 3670
with this section, any instrument executed by the public body 3671
purporting to convey, lease, or otherwise dispose of any right, 3672
title, or interest in any public property shall be conclusively 3673

presumed to have been executed in compliance with this section 3674
insofar as title or other interest of any bona fide purchasers, 3675
lessees, or transferees of the property is concerned. 3676

(3) Conferences with an attorney for the public body 3677
concerning disputes involving the public body that are the subject 3678
of pending or imminent court action; 3679

(4) Preparing for, conducting, or reviewing negotiations or 3680
bargaining sessions with public employees concerning their 3681
compensation or other terms and conditions of their employment; 3682

(5) Matters required to be kept confidential by federal law 3683
or regulations or state statutes; 3684

(6) Details relative to the security arrangements and 3685
emergency response protocols for a public body or a public office, 3686
if disclosure of the matters discussed could reasonably be 3687
expected to jeopardize the security of the public body or public 3688
office; 3689

(7) In the case of a county hospital operated pursuant to 3690
Chapter 339. of the Revised Code, a joint township hospital 3691
operated pursuant to Chapter 513. of the Revised Code, or a 3692
municipal hospital operated pursuant to Chapter 749. of the 3693
Revised Code, to consider trade secrets, as defined in section 3694
1333.61 of the Revised Code; 3695

(8) To consider confidential information related to the 3696
marketing plans, specific business strategy, production 3697
techniques, trade secrets, or personal financial statements of an 3698
applicant for economic development assistance, or to negotiations 3699
with other political subdivisions respecting requests for economic 3700
development assistance, provided that both of the following 3701
conditions apply: 3702

(a) The information is directly related to a request for 3703
economic development assistance that is to be provided or 3704

administered under any provision of Chapter 715., 725., 1724., or 3705
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3706
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3707
the Revised Code, or that involves public infrastructure 3708
improvements or the extension of utility services that are 3709
directly related to an economic development project. 3710

(b) A unanimous quorum of the public body determines, by a 3711
roll call vote, that the executive session is necessary to protect 3712
the interests of the applicant or the possible investment or 3713
expenditure of public funds to be made in connection with the 3714
economic development project. 3715

If a public body holds an executive session to consider any 3716
of the matters listed in divisions (G)(2) to (8) of this section, 3717
the motion and vote to hold that executive session shall state 3718
which one or more of the approved matters listed in those 3719
divisions are to be considered at the executive session. 3720

A public body specified in division (B)(1)(c) of this section 3721
shall not hold an executive session when meeting for the purposes 3722
specified in that division. 3723

(H) A resolution, rule, or formal action of any kind is 3724
invalid unless adopted in an open meeting of the public body. A 3725
resolution, rule, or formal action adopted in an open meeting that 3726
results from deliberations in a meeting not open to the public is 3727
invalid unless the deliberations were for a purpose specifically 3728
authorized in division (G) or (J) of this section and conducted at 3729
an executive session held in compliance with this section. A 3730
resolution, rule, or formal action adopted in an open meeting is 3731
invalid if the public body that adopted the resolution, rule, or 3732
formal action violated division (F) of this section. 3733

(I)(1) Any person may bring an action to enforce this 3734
section. An action under division (I)(1) of this section shall be 3735

brought within two years after the date of the alleged violation 3736
or threatened violation. Upon proof of a violation or threatened 3737
violation of this section in an action brought by any person, the 3738
court of common pleas shall issue an injunction to compel the 3739
members of the public body to comply with its provisions. 3740

(2)(a) If the court of common pleas issues an injunction 3741
pursuant to division (I)(1) of this section, the court shall order 3742
the public body that it enjoins to pay a civil forfeiture of five 3743
hundred dollars to the party that sought the injunction and shall 3744
award to that party all court costs and, subject to reduction as 3745
described in division (I)(2) of this section, reasonable 3746
attorney's fees. The court, in its discretion, may reduce an award 3747
of attorney's fees to the party that sought the injunction or not 3748
award attorney's fees to that party if the court determines both 3749
of the following: 3750

(i) That, based on the ordinary application of statutory law 3751
and case law as it existed at the time of violation or threatened 3752
violation that was the basis of the injunction, a well-informed 3753
public body reasonably would believe that the public body was not 3754
violating or threatening to violate this section; 3755

(ii) That a well-informed public body reasonably would 3756
believe that the conduct or threatened conduct that was the basis 3757
of the injunction would serve the public policy that underlies the 3758
authority that is asserted as permitting that conduct or 3759
threatened conduct. 3760

(b) If the court of common pleas does not issue an injunction 3761
pursuant to division (I)(1) of this section and the court 3762
determines at that time that the bringing of the action was 3763
frivolous conduct, as defined in division (A) of section 2323.51 3764
of the Revised Code, the court shall award to the public body all 3765
court costs and reasonable attorney's fees, as determined by the 3766
court. 3767

(3) Irreparable harm and prejudice to the party that sought 3768
the injunction shall be conclusively and irrebuttably presumed 3769
upon proof of a violation or threatened violation of this section. 3770

(4) A member of a public body who knowingly violates an 3771
injunction issued pursuant to division (I)(1) of this section may 3772
be removed from office by an action brought in the court of common 3773
pleas for that purpose by the prosecuting attorney or the attorney 3774
general. 3775

(J)(1) Pursuant to division (C) of section 5901.09 of the 3776
Revised Code, a veterans service commission shall hold an 3777
executive session for one or more of the following purposes unless 3778
an applicant requests a public hearing: 3779

(a) Interviewing an applicant for financial assistance under 3780
sections 5901.01 to 5901.15 of the Revised Code; 3781

(b) Discussing applications, statements, and other documents 3782
described in division (B) of section 5901.09 of the Revised Code; 3783

(c) Reviewing matters relating to an applicant's request for 3784
financial assistance under sections 5901.01 to 5901.15 of the 3785
Revised Code. 3786

(2) A veterans service commission shall not exclude an 3787
applicant for, recipient of, or former recipient of financial 3788
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3789
and shall not exclude representatives selected by the applicant, 3790
recipient, or former recipient, from a meeting that the commission 3791
conducts as an executive session that pertains to the applicant's, 3792
recipient's, or former recipient's application for financial 3793
assistance. 3794

(3) A veterans service commission shall vote on the grant or 3795
denial of financial assistance under sections 5901.01 to 5901.15 3796
of the Revised Code only in an open meeting of the commission. The 3797
minutes of the meeting shall indicate the name, address, and 3798

occupation of the applicant, whether the assistance was granted or 3799
denied, the amount of the assistance if assistance is granted, and 3800
the votes for and against the granting of assistance. 3801

Sec. 122.01. (A) As used in the Revised Code, the "~~department~~ 3802
~~of development services agency~~" means the department of 3803
development ~~services agency~~ and the "director of development 3804
services" means the director of development ~~services~~. Whenever the 3805
~~department~~ development services agency or director of development 3806
services is referred to or designated in any statute, rule, 3807
contract, grant, or other document, the reference or designation 3808
shall be deemed to refer to the department of development ~~services~~ 3809
~~agency~~ or director of development ~~services~~, as the case may be. 3810

(B) As used in this chapter: 3811

(1) "Community problems" includes, but is not limited to, 3812
taxation, fiscal administration, governmental structure and 3813
organization, intergovernmental cooperation, education and 3814
training, employment needs, community planning and development, 3815
air and water pollution, public safety and the administration of 3816
justice, housing, mass transportation, community facilities and 3817
services, health, welfare, recreation, open space, and the 3818
development of human resources. 3819

(2) "Professional personnel" means either of the following: 3820

(a) Personnel who have earned a bachelor's degree from a 3821
college or university; 3822

(b) Personnel who serve as or have the working title of 3823
director, assistant director, deputy director, assistant deputy 3824
director, manager, office chief, assistant office chief, or 3825
program director. 3826

(3) "Technical personnel" means any of the following: 3827

(a) Personnel who provide technical assistance according to 3828

their job description or in accordance with the Revised Code;	3829
(b) Personnel employed in the director of development	3830
services ' <u>development's</u> office or the legal office, communications	3831
office, finance office, legislative affairs office, or human	3832
resources office of the <u>department of development</u> services agency;	3833
(c) Personnel employed in the technology division of the	3834
agency <u>department</u> .	3835
Sec. 122.011. (A) The <u>department of development</u> services	3836
agency shall develop and promote plans and programs designed to	3837
assure that state resources are efficiently used, economic growth	3838
is properly balanced, community growth is developed in an orderly	3839
manner, and local governments are coordinated with each other and	3840
the state, and for such purposes may do all of the following:	3841
(1) Serve as a clearinghouse for information, data, and other	3842
materials that may be helpful or necessary to persons or local	3843
governments, as provided in section 122.073 of the Revised Code;	3844
(2) Prepare and activate plans for the retention,	3845
development, expansion, and use of the resources and commerce of	3846
the state, as provided in section 122.04 of the Revised Code;	3847
(3) Assist and cooperate with federal, state, and local	3848
governments and agencies of federal, state, and local governments	3849
in the coordination of programs to carry out the functions and	3850
duties of the agency <u>department</u> ;	3851
(4) Encourage and foster research and development activities,	3852
conduct studies related to the solution of community problems, and	3853
develop recommendations for administrative or legislative actions,	3854
as provided in section 122.03 of the Revised Code;	3855
(5) Serve as the economic and community development planning	3856
agency, which shall prepare and recommend plans and programs for	3857
the orderly growth and development of this state and which shall	3858

provide planning assistance, as provided in section 122.06 of the Revised Code;

(6) Cooperate with and provide technical assistance to state departments, political subdivisions, regional and local planning commissions, tourist associations, councils of government, community development groups, community action agencies, and other appropriate organizations for carrying out the functions and duties of the department of development services agency or for the solution of community problems;

(7) Coordinate the activities of state agencies that have an impact on carrying out the functions and duties of the department of development services agency;

(8) Encourage and assist the efforts of and cooperate with local governments to develop mutual and cooperative solutions to their common problems that relate to carrying out the purposes of this section;

(9) Study existing structure, operations, and financing of regional or local government and those state activities that involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the operations of regional or local government, and conduct other studies of legal provisions that affect problems related to carrying out the purposes of this section;

(10) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;

(11) Until October 15, 2007, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80

to 901.83 of the Revised Code; 3890

(12) Provide loan servicing for the loans purchased and loan 3891
guarantees provided under section 901.80 of the Revised Code as 3892
that section existed prior to October 15, 2007; 3893

(13) Until October 15, 2007, and upon approval by the 3894
controlling board under division (A)(3) of section 901.82 of the 3895
Revised Code of the release of money to be used for purchasing a 3896
loan or providing a loan guarantee, request the release of that 3897
money in accordance with division (B) of section 166.03 of the 3898
Revised Code for use for the purposes of the fund created by 3899
section 166.031 of the Revised Code. 3900

(14) Allocate that portion of the national recovery zone 3901
economic development bond limitation and that portion of the 3902
national recovery zone facility bond limitation that has been 3903
allocated to the state under section 1400U-1 of the Internal 3904
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 3905
corporation waives any portion of an allocation it receives under 3906
division (A)(14) of this section, the ~~agency~~ department may 3907
reallocate that amount. Any allocation or reallocation shall be 3908
made in accordance with this section and section 1400U-1 of the 3909
Internal Revenue Code. 3910

(B) The director of development ~~services~~ may request the 3911
attorney general to, and the attorney general, in accordance with 3912
section 109.02 of the Revised Code, shall bring a civil action in 3913
any court of competent jurisdiction. The director may be sued in 3914
the director's official capacity, in connection with this chapter, 3915
in accordance with Chapter 2743. of the Revised Code. 3916

(C) The director shall execute a contract pursuant to section 3917
187.04 of the Revised Code with the nonprofit corporation formed 3918
under section 187.01 of the Revised Code, and may execute any 3919
additional contracts with the corporation providing for the 3920

corporation to assist the director or ~~agency~~ department in 3921
carrying out any duties of the director or ~~agency~~ department under 3922
this chapter, under any other provision of the Revised Code 3923
dealing with economic development, or under a contract with the 3924
director, subject to section 187.04 of the Revised Code. 3925

Sec. 122.041. The director of development shall do all of the 3926
following with regard to the encouraging diversity, growth, and 3927
equity program created under section ~~123.152~~122.922 of the Revised 3928
Code: 3929

(A) Conduct outreach, marketing, and recruitment of EDGE 3930
business enterprises, as defined in that section; 3931

~~(B) Provide assistance to the department of administrative 3932
services, as needed, to certify new EDGE business enterprises and 3933
to train appropriate state agency staff;~~ 3934

~~(C)~~(B) Provide business development services to EDGE business 3935
enterprises in the developmental and transitional stages of the 3936
program, including financial and bonding assistance and management 3937
and technical assistance; 3938

~~(D)~~(C) Develop a mentor program to bring businesses into a 3939
working relationship with EDGE business enterprises in a way that 3940
commercially benefits both entities and serves the purpose of the 3941
EDGE program; 3942

~~(E) Not later than December 31, 2003, prepare and submit to 3943
the governor a detailed report outlining and evaluating the 3944
progress made in implementing the encouraging diversity, growth, 3945
and equity program;~~ 3946

~~(F)~~(D) Establish processes by which an EDGE business 3947
enterprise may apply for contract assistance, financial and 3948
bonding assistance, management and technical assistance, and 3949
mentoring opportunities. 3950

Sec. 122.17. (A) As used in this section: 3951

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

(2) "Baseline payroll" means Ohio employee payroll, except 3961
that the applicable measurement period is the twelve months 3962
immediately preceding the date the tax credit authority approves 3963
the taxpayer's application or the date the tax credit authority 3964
receives the recommendation described in division (C)(2)(a) of 3965
this section, whichever occurs first, multiplied by the sum of one 3966
plus an annual pay increase factor to be determined by the tax 3967
credit authority. 3968

(3) "Ohio employee payroll" means the amount of compensation 3969
used to determine the withholding obligations in division (A) of 3970
section 5747.06 of the Revised Code and paid by the employer 3971
during the employer's taxable year, or during the calendar year 3972
that includes the employer's tax period, to the following: 3973

(a) An employee employed in the project who is a resident of 3974
this state including a qualifying work-from-home employee not 3975
designated as a home-based employee by an applicant under division 3976
(C)(1) of this section; 3977

(b) An employee employed at the project location who is not a 3978
resident and whose compensation is not exempt from the tax imposed 3979
under section 5747.02 of the Revised Code pursuant to a 3980
reciprocity agreement with another state under division (A)(3) of 3981

section 5747.05 of the Revised Code;	3982
(c) A home-based employee employed in the project.	3983
"Ohio employee payroll" excludes any such compensation to the extent it is used to determine the credit under section 122.171 of the Revised Code, and excludes amounts paid before the day the taxpayer becomes eligible for the credit under this section.	3984 3985 3986 3987
(4) "Excess payroll" means Ohio employee payroll minus baseline payroll.	3988 3989
(5) "Home-based employee" means an employee whose services are performed primarily from the employee's residence in this state exclusively for the benefit of the project and whose rate of pay is at least one hundred thirty-one per cent of the federal minimum wage under 29 U.S.C. 206.	3990 3991 3992 3993 3994
(6) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" excludes hours that are counted for a credit under section 122.171 of the Revised Code.	3995 3996 3997 3998 3999
(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the agreement.	4000 4001 4002
(8) "Qualifying work-from-home employee" means an employee who is a resident of this state and whose services are supervised from the employer's project location and performed primarily from a residence of the employee located in this state.	4003 4004 4005 4006
(9) "Resident" or "resident of this state" means an individual who is a resident as defined in section 5747.01 of the Revised Code.	4007 4008 4009
<u>(10) "Reporting period" means a period corresponding to the annual report required under division (D)(6) of this section.</u>	4010 4011

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority.

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

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of Ohio employee payroll for the purposes of the same tax credit agreement, except that a qualifying work-from-home employee shall not be considered to be a home-based employee unless so designated by the applicant. If a taxpayer or potential taxpayer employs both home-based employees and employees who are not home-based employees in a project, the taxpayer shall submit separate applications for separate tax credit agreements for the project, one of which shall include home-based employees in the computation of Ohio employee payroll and one of which shall include all other employees in the computation of Ohio employee

payroll. 4044

The director of development ~~services~~ shall prescribe the form 4045
of the application. After receipt of an application, the authority 4046
may enter into an agreement with the taxpayer for a credit under 4047
this section if it determines all of the following: 4048

(a) The taxpayer's project will increase payroll; 4049

(b) The taxpayer's project is economically sound and will 4050
benefit the people of this state by increasing opportunities for 4051
employment and strengthening the economy of this state; 4052

(c) Receiving the tax credit is a major factor in the 4053
taxpayer's decision to go forward with the project. 4054

(2)(a) A taxpayer that chooses to begin the project prior to 4055
receiving the determination of the authority may, upon submitting 4056
the taxpayer's application to the authority, request that the 4057
chief investment officer of the nonprofit corporation formed under 4058
section 187.01 of the Revised Code and the director review the 4059
taxpayer's application and recommend to the authority that the 4060
taxpayer's application be considered. As soon as possible after 4061
receiving such a request, the chief investment officer and the 4062
director shall review the taxpayer's application and, if they 4063
determine that the application warrants consideration by the 4064
authority, make that recommendation to the authority not later 4065
than six months after the application is received by the 4066
authority. 4067

(b) The authority shall consider any taxpayer's application 4068
for which it receives a recommendation under division (C)(2)(a) of 4069
this section. If the authority determines that the taxpayer does 4070
not meet all of the criteria set forth in division (C)(1) of this 4071
section, the authority and the department of development ~~services~~ 4072
~~agency~~ shall proceed in accordance with rules adopted by the 4073
director pursuant to division (I) of this section. 4074

(D) An agreement under this section shall include all of the 4075
following: 4076

(1) A detailed description of the project that is the subject 4077
of the agreement; 4078

(2)(a) The term of the tax credit, which, except as provided 4079
in division (D)(2)(b) of this section, shall not exceed fifteen 4080
years, and the first taxable year, or first calendar year that 4081
includes a tax period, for which the credit may be claimed; 4082

(b) If the tax credit is computed on the basis of home-based 4083
employees, the term of the credit shall expire on or before the 4084
last day of the taxable or calendar year ending before the 4085
beginning of the seventh year after September 6, 2012, the 4086
effective date of H.B. 327 of the 129th general assembly. 4087

(3) A requirement that the taxpayer shall maintain operations 4088
at the project location for at least the greater of seven years or 4089
the term of the credit plus three years; 4090

(4) The percentage, as determined by the tax credit 4091
authority, of excess payroll that will be allowed as the amount of 4092
the credit for each taxable year or for each calendar year that 4093
includes a tax period; 4094

(5) The pay increase factor to be applied to the taxpayer's 4095
baseline payroll; 4096

(6) A requirement that the taxpayer annually shall report to 4097
the director of development ~~services~~ full-time equivalent 4098
employees, payroll, Ohio employee payroll, investment, the 4099
provision of health care benefits and tuition reimbursement if 4100
required in the agreement, and other information the director 4101
needs to perform the director's duties under this section; 4102

(7) A requirement that the director of development ~~services~~ 4103
annually review the information reported under division (D)(6) of 4104

this section and verify compliance with the agreement; if the taxpayer is in compliance, a requirement that the director issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit that may be claimed for the taxable or calendar year;

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

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the employment position in the first political subdivision is replaced. The movement of a qualifying work-from-home employee to a different residence located in this state or to the project location shall not be considered a relocation of an employment position.

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

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

(F) Projects that consist solely of point-of-final-purchase

retail facilities are not eligible for a tax credit under this 4136
section. If a project consists of both point-of-final-purchase 4137
retail facilities and nonretail facilities, only the portion of 4138
the project consisting of the nonretail facilities is eligible for 4139
a tax credit and only the excess payroll from the nonretail 4140
facilities shall be considered when computing the amount of the 4141
tax credit. If a warehouse facility is part of a 4142
point-of-final-purchase retail facility and supplies only that 4143
facility, the warehouse facility is not eligible for a tax credit. 4144
Catalog distribution centers are not considered 4145
point-of-final-purchase retail facilities for the purposes of this 4146
division, and are eligible for tax credits under this section. 4147

(G) Financial statements and other information submitted to 4148
the department of development ~~services agency~~ or the tax credit 4149
authority by an applicant or recipient of a tax credit under this 4150
section, and any information taken for any purpose from such 4151
statements or information, are not public records subject to 4152
section 149.43 of the Revised Code. However, the chairperson of 4153
the authority may make use of the statements and other information 4154
for purposes of issuing public reports or in connection with court 4155
proceedings concerning tax credit agreements under this section. 4156
Upon the request of the tax commissioner or, if the applicant or 4157
recipient is an insurance company, upon the request of the 4158
superintendent of insurance, the chairperson of the authority 4159
shall provide to the commissioner or superintendent any statement 4160
or information submitted by an applicant or recipient of a tax 4161
credit in connection with the credit. The commissioner or 4162
superintendent shall preserve the confidentiality of the statement 4163
or information. 4164

(H) A taxpayer claiming a credit under this section shall 4165
submit to the tax commissioner or, if the taxpayer is an insurance 4166
company, to the superintendent of insurance, a copy of the 4167

director of ~~development services~~ development's certificate of 4168
verification under division (D)(7) of this section with the 4169
taxpayer's tax report or return for the taxable year or for the 4170
calendar year that includes the tax period. Failure to submit a 4171
copy of the certificate with the report or return does not 4172
invalidate a claim for a credit if the taxpayer submits a copy of 4173
the certificate to the commissioner or superintendent within the 4174
time prescribed by section 5703.0510 of the Revised Code or within 4175
thirty days after the commissioner or superintendent requests it. 4176

(I) The director of development ~~services~~, after consultation 4177
with the tax commissioner and the superintendent of insurance and 4178
in accordance with Chapter 119. of the Revised Code, shall adopt 4179
rules necessary to implement this section, including rules that 4180
establish a procedure to be followed by the tax credit authority 4181
and the department of development ~~services agency~~ in the event the 4182
authority considers a taxpayer's application for which it receives 4183
a recommendation under division (C)(2)(a) of this section but does 4184
not approve it. The rules may provide for recipients of tax 4185
credits under this section to be charged fees to cover 4186
administrative costs of the tax credit program. For the purposes 4187
of these rules, a qualifying work-from-home employee shall be 4188
considered to be an employee employed at the applicant's project 4189
location. The fees collected shall be credited to the tax 4190
incentives operating fund created in section 122.174 of the 4191
Revised Code. At the time the director gives public notice under 4192
division (A) of section 119.03 of the Revised Code of the adoption 4193
of the rules, the director shall submit copies of the proposed 4194
rules to the chairpersons of the standing committees on economic 4195
development in the senate and the house of representatives. 4196

(J) For the purposes of this section, a taxpayer may include 4197
a partnership, a corporation that has made an election under 4198
subchapter S of chapter one of subtitle A of the Internal Revenue 4199

Code, or any other business entity through which income flows as a 4200
distributive share to its owners. A partnership, S-corporation, or 4201
other such business entity may elect to pass the credit received 4202
under this section through to the persons to whom the income or 4203
profit of the partnership, S-corporation, or other entity is 4204
distributed. The election shall be made on the annual report 4205
required under division (D)(6) of this section. The election 4206
applies to and is irrevocable for the credit for which the report 4207
is submitted. If the election is made, the credit shall be 4208
apportioned among those persons in the same proportions as those 4209
in which the income or profit is distributed. 4210

(K)(1) If the director of development ~~services~~ determines 4211
that a taxpayer who has received a credit under this section is 4212
not complying with the requirements of the agreement, the director 4213
shall notify the tax credit authority of the noncompliance. After 4214
receiving such a notice, and after giving the taxpayer an 4215
opportunity to explain the noncompliance, the tax credit authority 4216
may require the taxpayer to refund to this state a portion of the 4217
credit in accordance with the following: 4218

(a) If the taxpayer fails to comply with the requirement 4219
under division (D)(3) of this section, an amount determined in 4220
accordance with the following: 4221

(i) If the taxpayer maintained operations at the project 4222
location for a period less than or equal to the term of the 4223
credit, an amount not exceeding one hundred per cent of the sum of 4224
any credits allowed and received under this section; 4225

(ii) If the taxpayer maintained operations at the project 4226
location for a period longer than the term of the credit, but less 4227
than the greater of seven years or the term of the credit plus 4228
three years, an amount not exceeding seventy-five per cent of the 4229
sum of any credits allowed and received under this section. 4230

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

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

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

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

(L) On or before the first day of August each year, the 4263
director of development ~~services~~ shall submit a report to the 4264
governor, the president of the senate, and the speaker of the 4265
house of representatives on the tax credit program under this 4266
section. The report shall include information on the number of 4267
agreements that were entered into under this section during the 4268
preceding calendar year, a description of the project that is the 4269
subject of each such agreement, and an update on the status of 4270
projects under agreements entered into before the preceding 4271
calendar year. 4272

(M) There is hereby created the tax credit authority, which 4273
consists of the director of development ~~services~~ and four other 4274
members appointed as follows: the governor, the president of the 4275
senate, and the speaker of the house of representatives each shall 4276
appoint one member who shall be a specialist in economic 4277
development; the governor also shall appoint a member who is a 4278
specialist in taxation. Terms of office shall be for four years. 4279
Each member shall serve on the authority until the end of the term 4280
for which the member was appointed. Vacancies shall be filled in 4281
the same manner provided for original appointments. Any member 4282
appointed to fill a vacancy occurring prior to the expiration of 4283
the term for which the member's predecessor was appointed shall 4284
hold office for the remainder of that term. Members may be 4285
reappointed to the authority. Members of the authority shall 4286
receive their necessary and actual expenses while engaged in the 4287
business of the authority. The director of development ~~services~~ 4288
shall serve as chairperson of the authority, and the members 4289
annually shall elect a vice-chairperson from among themselves. 4290
Three members of the authority constitute a quorum to transact and 4291
vote on the business of the authority. The majority vote of the 4292
membership of the authority is necessary to approve any such 4293
business, including the election of the vice-chairperson. 4294

The director of development ~~services~~ may appoint a 4295
professional employee of the department of development ~~services~~ 4296
~~agency~~ to serve as the director's substitute at a meeting of the 4297
authority. The director shall make the appointment in writing. In 4298
the absence of the director from a meeting of the authority, the 4299
appointed substitute shall serve as chairperson. In the absence of 4300
both the director and the director's substitute from a meeting, 4301
the vice-chairperson shall serve as chairperson. 4302

(N) For purposes of the credits granted by this section 4303
against the taxes imposed under sections 5725.18 and 5729.03 of 4304
the Revised Code, "taxable year" means the period covered by the 4305
taxpayer's annual statement to the superintendent of insurance. 4306

(O) On or before the first day of March of each of the five 4307
calendar years beginning with 2014, each taxpayer subject to an 4308
agreement with the tax credit authority under this section on the 4309
basis of home-based employees shall report the number of 4310
home-based employees and other employees employed by the taxpayer 4311
in this state to the department of development ~~services~~ ~~agency~~. 4312

(P) On or before the first day of January of 2019, the 4313
director of development ~~services~~ shall submit a report to the 4314
governor, the president of the senate, and the speaker of the 4315
house of representatives on the effect of agreements entered into 4316
under this section in which the taxpayer included home-based 4317
employees in the computation of income tax revenue, as that term 4318
was defined in this section prior to the amendment of this section 4319
by H.B. 64 of the 131st general assembly. The report shall include 4320
information on the number of such agreements that were entered 4321
into in the preceding six years, a description of the projects 4322
that were the subjects of such agreements, and an analysis of 4323
nationwide home-based employment trends, including the number of 4324
home-based jobs created from July 1, 2011, through June 30, 2017, 4325
and a description of any home-based employment tax incentives 4326

provided by other states during that time. 4327

(Q) The director of development ~~services~~ may require any 4328
agreement entered into under this section for a tax credit 4329
computed on the basis of home-based employees to contain a 4330
provision that the taxpayer makes available health care benefits 4331
and tuition reimbursement to all employees. 4332

(R) Original agreements approved by the tax credit authority 4333
under this section in 2014 or 2015 before September 29, 2015, may 4334
be revised at the request of the taxpayer to conform with the 4335
amendments to this section and sections 5733.0610, 5736.50, 4336
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 4337
general assembly, upon mutual agreement of the taxpayer and the 4338
department of development ~~services~~ ~~agency~~, and approval by the tax 4339
credit authority. 4340

(S)(1) As used in division (S) of this section: 4341

(a) "Eligible agreement" means an agreement approved by the 4342
tax credit authority under this section on or before December 31, 4343
2013. 4344

(b) ~~"Reporting period" means a period corresponding to the~~ 4345
~~annual report required under division (D)(6) of this section.~~ 4346

~~(c)~~ "Income tax revenue" has the same meaning as under this 4347
section as it existed before September 29, 2015, the effective 4348
date of the amendment of this section by H.B. 64 of the 131st 4349
general assembly. 4350

(2) In calendar year 2016 and thereafter, the tax credit 4351
authority shall annually determine a withholding adjustment factor 4352
to be used in the computation of income tax revenue for eligible 4353
agreements. The withholding adjustment factor shall be a numerical 4354
percentage that equals the percentage that employer income tax 4355
withholding rates have been increased or decreased as a result of 4356
changes in the income tax rates prescribed by section 5747.02 of 4357

the Revised Code by amendment of that section taking effect on or 4358
after June 29, 2013. 4359

(3) Except as provided in division (S)(4) of this section, 4360
for reporting periods ending in 2015 and thereafter for taxpayers 4361
subject to eligible agreements, the tax credit authority shall 4362
adjust the income tax revenue reported on the taxpayer's annual 4363
report by multiplying the withholding adjustment factor by the 4364
taxpayer's income tax revenue and doing one of the following: 4365

(a) If the income tax rates prescribed by section 5747.02 of 4366
the Revised Code have decreased by amendment of that section 4367
taking effect on or after June 29, 2013, add the product to the 4368
taxpayer's income tax revenue. 4369

(b) If the income tax rates prescribed by section 5747.02 of 4370
the Revised Code have increased by amendment of that section 4371
taking effect on or after June 29, 2013, subtract the product from 4372
the taxpayer's income tax revenue. 4373

(4) Division (S)(3) of this section shall not apply unless 4374
all of the following apply for the reporting period with respect 4375
to the eligible agreement: 4376

(a) The taxpayer has achieved one hundred per cent of the new 4377
employment commitment identified in the agreement. 4378

(b) If applicable, the taxpayer has achieved one hundred per 4379
cent of the new payroll commitment identified in the agreement. 4380

(c) If applicable, the taxpayer has achieved one hundred per 4381
cent of the investment commitment identified in the agreement. 4382

(5) Failure by a taxpayer to have achieved any of the 4383
applicable commitments described in divisions (S)(4)(a) to (c) of 4384
this section in a reporting period does not disqualify the 4385
taxpayer for the adjustment under division (S) of this section for 4386
an ensuing reporting period. 4387

(T) For reporting periods ending in calendar year 2020 or 4388
thereafter, any taxpayer may include qualifying work-from-home 4389
employees in its report required under division (D)(6) of this 4390
section, and the compensation of such employees shall qualify as 4391
Ohio employee payroll under division (A)(3)(a) of this section, 4392
even if the taxpayer's application to the tax credit authority to 4393
enter into an agreement for a tax credit under this section was 4394
approved before September 29, 2017, the effective date of the 4395
amendment of this section by H.B. 49 of the 132nd general 4396
assembly. 4397

Sec. 122.178. (A) As used in this section, "microcredential" 4398
means an industry-recognized credential or certificate that an 4399
applicant may complete in not more than one year and that is 4400
approved by the chancellor of higher education. 4401

(B) There is hereby created the TechCred program to reimburse 4402
employers from appropriations made for that purpose for training 4403
costs for prospective and incumbent employees to earn a 4404
microcredential. The department of development ~~services~~ agency, in 4405
consultation with the governor's office of workforce 4406
transformation and the department of higher education, shall 4407
develop the program. 4408

(C)(1) An employer seeking to participate in the program 4409
shall submit an application to the director of development 4410
~~services~~ during an application period established by the director. 4411
The employer shall include in the application all of the following 4412
information: 4413

(a) Proof that the employer is registered to do business in 4414
this state; 4415

(b) Proof that the employer is current on all tax obligations 4416
to the state; 4417

(c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;	4418 4419
(d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;	4420 4421 4422
(e) The cost of the training;	4423
(f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;	4424 4425 4426 4427
(g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;	4428 4429 4430
(h) Any other information the director requires.	4431
(2) In addition to the information required under division (C)(1) of this section, an employer seeking to participate in the program also may submit any of the following information the employer wishes to provide to the director:	4432 4433 4434 4435
(a) The estimated wage after completing the training and earning the microcredential;	4436 4437
(b) The employer's certification as a minority business enterprise under section 123.151 <u>122.921</u> of the Revised Code or certification as an EDGE business enterprise under section 123.152 <u>122.922</u> of the Revised Code if applicable;	4438 4439 4440 4441
(c) The demographic information of the employer, including race and gender;	4442 4443
(d) Any demographic information of a prospective or incumbent employee that the employee provides to the employer, including race and gender;	4444 4445 4446
(e) Any other information the employer wishes to provide to	4447

the director. 4448

(D)(1) The director shall consider all applications submitted 4449
during an application period after the application period ends. 4450
The director shall consider the following factors in determining 4451
whether to approve an application: 4452

(a) The duration of the training program; 4453

(b) The cost of the training; 4454

(c) A prospective or incumbent employee's estimated wage 4455
after completing the training and earning the microcredential; 4456

(d) Whether approving an application will promote regional 4457
diversity in apportioning reimbursements uniformly across the 4458
state; 4459

(e) Any other factors the director considers relevant in 4460
determining whether to approve an application. 4461

(2) The chancellor of higher education shall establish a list 4462
of approved microcredentials. The director shall not approve an 4463
application submitted under division (C) of this section unless 4464
the microcredentials identified in the application are included in 4465
the chancellor's list. Not later than ninety days after ~~the~~ 4466
~~effective date of this section~~ April 14, 2020, the director shall 4467
create a list of training providers that offer a microcredential 4468
included in the chancellor's list. Thereafter, the director shall 4469
annually update the list of training providers. 4470

(3) If the director approves an employer's application for 4471
participation in the program, the approval is valid as long as the 4472
employer maintains accurate application information under division 4473
(C)(1) of this section with the director. The employer shall 4474
submit the updated information to the director at the beginning of 4475
the third fiscal year the employer participates in the program and 4476
every other subsequent fiscal year thereafter. 4477

(4) The director shall not approve an application for participation in the program if the employer has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.

(E)(1) Each participating employer seeking reimbursement for training costs for a prospective or incumbent employee shall submit an application to the director that includes all of the following information for each prospective or incumbent employee:

(a) The prospective or incumbent employee's name and position, if applicable, at the time of submitting the application;

(b) The actual amount the employer paid to the training provider for the training;

(c) Evidence that the prospective or incumbent employee earned a microcredential;

(d) Evidence that the prospective or incumbent employee is a resident of this state.

(2) The amount of the reimbursement shall be not more than two thousand dollars for each microcredential a prospective or incumbent employee receives.

(F) No participating employer shall require a prospective or incumbent employee who receives a microcredential because the employer participated in and received a reimbursement through the employer's participation in the TechCred program to accept or continue employment with the employer.

(G) For the purposes of determining regional diversity under this section, the following constitute the regions of the state:

(1) The counties of Allen, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot are one region;

(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, 4508
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, 4509
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one 4510
region; 4511

(3) The counties of Auglaize, Champaign, Clark, Clinton, 4512
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and 4513
Shelby are one region; 4514

(4) The counties of Delaware, Fairfield, Franklin, Knox, 4515
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are 4516
one region; 4517

(5) The counties of Adams, Athens, Gallia, Highland, Hocking, 4518
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one 4519
region; 4520

(6) The counties of Belmont, Carroll, Coshocton, Guernsey, 4521
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble, 4522
Perry, and Washington are one region; 4523

(7) The counties of Brown, Butler, Clermont, Hamilton, and 4524
Warren are one region. 4525

(H)(1) The director shall do both of the following regarding 4526
the operation of the program: 4527

(a) Create an application to participate in the program and 4528
an application for reimbursement; 4529

(b) Create an internet web site with the applications for and 4530
information regarding the program created in this section. 4531

(2) The governor's office of workforce transformation shall 4532
include on the office's internet web site either of the following: 4533

(a) The applications for and information regarding the 4534
program created in this section; 4535

(b) An internet link to the internet web site created under 4536
division (H)(1)(b) of this section. 4537

(I) The director may adopt rules in accordance with Chapter 4538
119. of the Revised Code regarding the operation of the program as 4539
the director considers necessary to administer the program, 4540
including establishing priority guidelines for approving 4541
applications under division (D) of this section. 4542

Sec. 122.40. As used in sections 122.40 to 122.4077 of the 4543
Revised Code: 4544

(A) "Application" means an application made under section 4545
122.4013 of the Revised Code for a program grant. 4546

(B) "Broadband funding gap" means the difference between the 4547
total amount of money a broadband provider calculates is necessary 4548
to construct the last mile of a specific broadband network and the 4549
total amount of money that the provider has determined is the 4550
maximum amount of money that is cost effective for the provider to 4551
invest in last mile construction for that network. 4552

(C)(1) "Broadband provider" means one of the following: 4553

(a) A video service provider as defined in section 1332.21 of 4554
the Revised Code; 4555

(b) A provider that is capable of providing tier one or tier 4556
two broadband service and is one of the following: 4557

(i) A telecommunications service provider; 4558

(ii) A satellite broadcasting service provider; 4559

(iii) A wireless service provider as defined in section 4560
4927.01 of the Revised Code. 4561

(2) "Broadband provider" does not include a governmental or 4562
quasi-governmental entity. 4563

(D) "Eligible project" means a project to provide tier two 4564
broadband service access to residences in an unserved area or tier 4565
one area of a municipal corporation or township that is eligible 4566

for funding under sections 122.4013 to 122.4046 of the Revised Code. 4567
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(E) "Last mile" means the last portion of a physical broadband network that connects an eligible project to the broader network used to provide tier two broadband service, and to which both of the following apply: 4569
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(1) It includes other network infrastructure in the last portion of the network that is needed to provide tier two broadband service to residences as part of an eligible project, but does not include network infrastructure in any portion of the network that is outside of the last portion. 4573
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(2) It is not required to be, or limited to, a specific distance measurement of one mile or any other specific distance. 4578
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(F) "Ohio residential broadband expansion grant program" means the program established under sections 122.40 to 122.4077 of the Revised Code. 4580
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(G) "Program grant" means money awarded under the Ohio residential broadband expansion grant program to assist in covering the broadband funding gap for an eligible project. 4583
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(H) "Satellite broadcasting service" has the same meaning as in section 5739.01 of the Revised Code. 4586
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(I) "Telecommunications service" has the same meaning as in section 1332.21 of the Revised Code. 4588
4589

(J) "Tier one broadband service" means a retail wireline or wireless broadband service capable of delivering internet access at speeds of at least ten but less than twenty-five megabits per second downstream and at least one but less than three megabits per second upstream. 4590
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(K) "Tier two broadband service" means a retail wireline or wireless broadband service capable of delivering internet access 4595
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at speeds of at least twenty-five megabits per second downstream 4597
and at least three megabits per second upstream. 4598

(L) "Tier one area" means an area that has access to tier one 4599
broadband service but not tier two broadband service. "Tier one 4600
area" includes an area where construction of a network to provide 4601
tier one broadband service is in progress and is scheduled to be 4602
completed within a two-year period. "Tier one area" excludes an 4603
area where construction of a network to provide tier two broadband 4604
service is in progress and is scheduled to be completed within a 4605
two-year period. 4606

(M) "Unserved area" means an area without access to tier one 4607
broadband service or tier two broadband service. "Unserved area" 4608
excludes an area where construction of a network to provide tier 4609
one broadband service or tier two broadband service is in progress 4610
and is scheduled to be completed within a two-year period. 4611

Sec. 122.401. There is hereby established the Ohio 4612
residential broadband expansion grant program within the 4613
department of development. The department shall administer and 4614
provide staff assistance for the program. The department shall be 4615
responsible for receiving and reviewing applications for program 4616
grants and for sending completed applications to the broadband 4617
expansion program authority for final review and award of program 4618
grants. 4619

Sec. 122.403. (A)(1) There is hereby created, within the 4620
department of development, the broadband expansion program 4621
authority, which shall consist of the director of the department 4622
of development or the director's designee, the director of the 4623
office of InnovateOhio or the director's designee, and three other 4624
members as follows: one member appointed by the president of the 4625
senate, one member appointed by the speaker of the house of 4626

representatives, and one member appointed by the governor. 4627

(2) Appointed members shall have expertise in broadband 4628
infrastructure and technology. Appointed members may not be 4629
affiliated with or employed by the broadband industry or in a 4630
position to benefit from a program grant. 4631

(3) The assignment of designees by the director of the 4632
department of development and the director of InnovateOhio shall 4633
be made in writing. 4634

(B) Appointed members shall serve four year terms and are 4635
eligible for reappointment. 4636

(C) Vacancies shall be filled in the same manner as provided 4637
for original appointments. Any member appointed to fill a vacancy 4638
occurring prior to the expiration of the term for which the 4639
member's predecessor was appointed shall hold office for the 4640
remainder of that term. 4641

(D)(1)(a) Appointed members shall receive a monthly stipend 4642
as calculated under section 145.016 of the Revised Code in an 4643
amount that will qualify each member for one year of retirement 4644
service credit under the Ohio public employees retirement system 4645
for each year of the member's term. 4646

(b) Notwithstanding the requirement of section 145.58 of the 4647
Revised Code that eligibility for health care coverage provided 4648
under that section be based on years and types of service credit 4649
in accordance with rules adopted by the public employees 4650
retirement board, if the board provides health care coverage under 4651
that section, no service credit earned for service as a member of 4652
the authority shall be considered for purposes of determining 4653
eligibility for coverage under that section. 4654

(c) Members shall receive reimbursement for their necessary 4655
and actual expenses incurred in performing the business of the 4656

authority. The reimbursements constitute, as applicable, 4657
administrative costs of the Ohio residential broadband expansion 4658
grant program. 4659

(2) An appointed member of the authority who is currently 4660
serving as an administrative department head under section 121.03 4661
of the Revised Code is not eligible to receive a stipend under 4662
division (A) of this section. 4663

(3) The department shall be responsible for paying all 4664
reimbursements and stipends under this section. 4665

(E) The director of the department of development, or the 4666
director's designee, shall serve as chairperson of the authority. 4667
The members of the authority annually shall elect a 4668
vice-chairperson from the members of the authority. Three members 4669
of the authority constitute a quorum to transact and vote on the 4670
business of the authority. An affirmative vote of three members is 4671
necessary to approve any business, including the election of the 4672
vice-chairperson. 4673

(F) If the director of the department of development assigns 4674
a designee to serve on the authority, the director of the 4675
department of development shall appoint a professional employee of 4676
the department of development to serve as the director's designee 4677
at authority meetings. In the absence of the director of the 4678
department of development or the director's designee, the 4679
vice-chairperson of the authority shall serve as chairperson of 4680
authority meetings. 4681

(G) The authority is not an agency for purposes of sections 4682
101.82 to 101.87 of the Revised Code. 4683

Sec. 122.404. (A) Members of the broadband expansion program 4684
authority may attend meetings of the authority electronically by 4685
means of electronic communication if all of the following apply: 4686

(1) At least three of the members attending the meeting are present in person at the place where the meeting is conducted. 4687
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(2) The means of electronic communication permits, for the duration of the meeting, simultaneous communication among the members attending electronically, the members attending in person, and all members of the public attending in person. 4689
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(3) All votes taken at the meeting are to be taken by roll call vote. 4693
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(B) Except in the case of an emergency, a member who intends to attend a meeting by means of electronic communication shall notify the chairperson of the member's intent not less than forty-eight hours before the scheduled time of the meeting. 4695
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Sec. 122.406. The broadband expansion program authority shall consider each application for a program grant that the department of development has reviewed and sent to it. The authority shall score all applications according to the scoring system established under section 122.4040 of the Revised Code and award program grants based on that system according to sections 122.4043 and 122.4044 of the Revised Code. 4699
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Sec. 122.407. The broadband expansion program authority shall do the following: 4706
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(A) Continually examine, and propose updates to, any broadband plan provided by law enacted by the general assembly or executive order issued by the governor; 4708
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(B) Monitor the Ohio residential broadband expansion grant program, including by doing the following: 4711
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(1) Tracking the details for annual applications to the program, including: 4713
4714

(a) The number of applications; 4715

<u>(b) The geographic locations of the eligible projects listed in the applications;</u>	4716 4717
<u>(c) The broadband providers submitting applications;</u>	4718
<u>(d) A description of the tier two broadband infrastructure and technology proposed in applications;</u>	4719 4720
<u>(e) A description of any public right-of-way or public facilities to be utilized for the projects;</u>	4721 4722
<u>(f) The speeds of the tier two broadband services under the projects;</u>	4723 4724
<u>(g) The amount of the grant funds requested for each project and the proportion of project funding to be provided by the broadband provider and by other entities;</u>	4725 4726 4727
<u>(h) The number of residential and nonresidential locations that will have access to tier two broadband service under each project.</u>	4728 4729 4730
<u>(2) Tracking the program grants awarded annually, including:</u>	4731
<u>(a) The number of program grants;</u>	4732
<u>(b) The geographic location or locations of the projects;</u>	4733
<u>(c) The broadband providers that received program grants and the entities or companies that submitted the application;</u>	4734 4735
<u>(d) A description of the tier two broadband infrastructure and technology deployed in each project;</u>	4736 4737
<u>(e) A description of any public right-of-way or public facilities utilized as part of the project;</u>	4738 4739
<u>(f) The speeds of the tier two broadband services enabled by each project;</u>	4740 4741
<u>(g) The amounts of each program grant, the share of the project funding provided by the broadband provider, and any share of the project funding provided by other entities;</u>	4742 4743 4744

(h) The number of residential and nonresidential locations that will have access to tier two broadband service for each project. 4745
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(3) Listing the amount of any unencumbered program grant funds that remain available for award under the Ohio residential broadband expansion grant program; 4748
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(4) Adding any additional factors deemed necessary by the authority to monitor the program. 4751
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(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code. 4753
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(D) Review all pending county requests made pursuant to section 122.4051 of the Revised Code for program grants. 4755
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(E) Identify any best practices for, and impediments to, the continued expansion of tier two broadband infrastructure and technology in the state; 4757
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(F) Coordinate and promote the availability of publicly accessible digital literacy programs to increase fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating, and producing; 4760
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(G) Identify, examine, and report on any federal or state government grant or loan program that would promote the deployment of tier two broadband infrastructure and technology in the state; 4765
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(H) Track the availability, location, rates and speeds, and adoption of programs that offer tier one broadband service and tier two broadband service in an affordable manner to low-income consumers in this state. 4768
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Sec. 122.408. The broadband expansion program authority shall conduct hearings to gather information necessary to accomplish the duties specified under section 122.407 of the Revised Code. 4772
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Sec. 122.4010. The broadband expansion program authority, 4776
upon majority approval of the authority's members, shall submit a 4777
written public report of its findings and recommendations to the 4778
governor and the general assembly not later than the first day of 4779
December of each calendar year. 4780

The authority shall not disclose any proprietary information 4781
or trade secrets in the report. Copies of the report shall be 4782
available on the department of development's web site. 4783

Sec. 122.4013. A broadband provider may apply for a program 4784
grant under the Ohio residential broadband expansion grant 4785
program. 4786

Sec. 122.4015. Program grants under the Ohio residential 4787
broadband expansion grant program shall be awarded only for 4788
eligible projects. 4789

Sec. 122.4016. An application is ineligible for a program 4790
grant under the Ohio residential broadband expansion grant program 4791
if either of the following applies: 4792

(A) It proposes to provide tier two broadband service to 4793
areas where tier two broadband service is presently available. 4794

(B) In the proposed area of service, construction of a 4795
network to provide tier two broadband service currently is in 4796
progress and one of the following applies: 4797

(1) It is being constructed, without grant program funding, 4798
by the broadband provider that submitted the application. 4799

(2) It is scheduled to be completed by another broadband 4800
provider not later than two years after the date of a challenge 4801

submitted under section 122.4030 of the Revised Code. 4802

Sec. 122.4017. The broadband expansion program authority 4803
shall award program grants under the Ohio residential broadband 4804
expansion grant program using funds appropriated by the general 4805
assembly for this purpose. 4806

Sec. 122.4018. (A) Each fiscal year, the department of 4807
development shall fund program grants until funds for that fiscal 4808
year are no longer available. 4809

(B) Any application pending at the end of the fiscal year 4810
shall be deemed denied, but may be refiled in a subsequent fiscal 4811
year provided that all information in the application is still 4812
current or has been updated. 4813

Sec. 122.4019. (A)(1) Each fiscal year, the department of 4814
development shall accept applications for program grants. 4815

(2) To apply for a program grant, a broadband provider shall 4816
submit an application to the department on a form prescribed by 4817
the department and shall provide the information required under 4818
section 122.4020 of the Revised Code. The form shall include a 4819
statement informing the applicant that failure to comply with the 4820
program or to meet the required tier two broadband service 4821
proposed in the application may require the refund of all or a 4822
portion of the program grant awarded for the project. 4823

(3) Applications may be submitted in person or by certified 4824
mail or electronic mail, or uploaded to a designated department 4825
web site for applications. 4826

(B) Applications shall be accepted during a submission period 4827
specified by the broadband expansion program authority. Each 4828
submission period shall be at least sixty but not more than ninety 4829
days. Each fiscal year there shall be not more than two submission 4830

periods. 4831

(C) The department shall publish information from submitted applications on the department's web site as follows: 4832
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(1) Not later than five days after the close of the submission period in which the application is made, the department shall publish, for each completed application, the list of residential addresses included with the completed applications under division (A)(1)(a) of section 122.4020 of the Revised Code. 4834
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(2) Not later than thirty-five days after the close of the submission period in which the application is made, the department shall publish all information from each completed application that it determines is not confidential under section 122.4023 of the Revised Code. 4839
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(D) If an application is incomplete, the department shall notify the broadband provider that submitted the application. The notification shall list what information is incomplete and shall describe the procedure for refiling a completed application. 4844
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(E) The department shall review an application determined incomplete under division (D) of this section as provided in sections 122.4019 to 122.4036 of the Revised Code if the application is completed and refiled: 4848
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(1) Before the end of the submission period described under division (B) of this section; or 4852
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(2) Not later than fourteen days after the end of the submission period described under division (B) of this section, if the department, for good cause shown, has granted the broadband provider an extension period of not more than fourteen days in which to file the completed application. 4854
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(F) The department shall deny an incomplete application if the broadband provider fails to complete and refile it within the 4859
4860

applicable submission period or extension period. Applications 4861
that are denied shall not be published on the department's web 4862
site. 4863

Sec. 122.4020. (A) An application for a program grant under 4864
the Ohio residential broadband expansion grant program shall 4865
include, at a minimum, the following information for an eligible 4866
project: 4867

(1) The location and description of the project, including: 4868

(a) The residential addresses in the unserved or tier one 4869
areas where tier two broadband service will be available following 4870
completion of the project; 4871

(b) A notarized letter of intent that the broadband provider 4872
will provide access to tier two broadband service to all of the 4873
residential addresses listed in the project; 4874

(c) A notarized letter of intent by the broadband provider 4875
that none of the funds provided by the program grant will be used 4876
to extend or deploy facilities to any residences other than those 4877
in the unserved or tier one areas that are part of the project. 4878

(2) The amount of the broadband funding gap and the amount of 4879
state funds requested; 4880

(3) The amount of any financial or in-kind contributions to 4881
be used towards the broadband funding gap and identification of 4882
the contribution sources, which may include, but are not limited 4883
to, any combination of the following: 4884

(a) Funds that the broadband provider is willing to 4885
contribute to the broadband funding gap; 4886

(b) Funds received or approved under any other federal or 4887
state government grant or loan program; 4888

(c) General revenue funds of a municipal corporation, 4889

<u>township, or county comprising the area of the eligible project;</u>	4890
<u>(d) Other discretionary funds of the municipal corporation,</u>	4891
<u>township, or county comprising the area of the eligible project;</u>	4892
<u>(e) Any alternate payment terms that the broadband provider</u>	4893
<u>and any legislative authority in which the project is located have</u>	4894
<u>negotiated and agreed to pursuant to section 122.4025 of the</u>	4895
<u>Revised Code;</u>	4896
<u>(f) Contributions or grants from individuals, organizations,</u>	4897
<u>or companies;</u>	4898
<u>(g) Property tax assessments made by the municipal</u>	4899
<u>corporation under Chapter 727. of the Revised Code, township under</u>	4900
<u>section 505.881 of the Revised Code, or county under section</u>	4901
<u>303.251 of the Revised Code.</u>	4902
<u>(4) The source and amount of any financial or in-kind</u>	4903
<u>contributions received or approved for any part of the overall</u>	4904
<u>eligible project cost, but not applied to the broadband funding</u>	4905
<u>gap;</u>	4906
<u>(5) A description of, or documentation demonstrating, the</u>	4907
<u>broadband provider's managerial and technical expertise and</u>	4908
<u>experience with broadband service projects;</u>	4909
<u>(6) Whether the broadband provider plans to use wired,</u>	4910
<u>wireless, or satellite technology to complete the project;</u>	4911
<u>(7) A description of the scalability of the project;</u>	4912
<u>(8) The megabit-per-second broadband download and upload</u>	4913
<u>speeds planned for the project;</u>	4914
<u>(9) A description of the broadband provider's customer</u>	4915
<u>service capabilities, including any locally based call centers or</u>	4916
<u>customer service offices;</u>	4917
<u>(10) A copy of the broadband provider's general customer</u>	4918
<u>service policies, including any policy to credit customers for</u>	4919

<u>service outages or the provider's failure to keep scheduled</u>	4920
<u>appointments for service;</u>	4921
<u>(11) The length of time that the broadband provider has been</u>	4922
<u>operating in the state;</u>	4923
<u>(12) Proof that the broadband provider has the financial</u>	4924
<u>stability to complete the project;</u>	4925
<u>(13) A projected construction timetable, including the</u>	4926
<u>anticipated date of the provision of tier two broadband service</u>	4927
<u>access within the project;</u>	4928
<u>(14) A description of anticipated or preliminary government</u>	4929
<u>authorizations, permits, and other approvals required in</u>	4930
<u>connection with the project, and an estimated timetable for the</u>	4931
<u>acquisition of such approvals;</u>	4932
<u>(15) A notification from the broadband provider informing the</u>	4933
<u>department of development of any information contained in the</u>	4934
<u>application, or within related documents submitted with it, that</u>	4935
<u>the provider considers proprietary or a trade secret;</u>	4936
<u>(16) A notarized statement that the broadband provider</u>	4937
<u>accepts the condition that noncompliance with Ohio residential</u>	4938
<u>broadband expansion grant program requirements may require the</u>	4939
<u>provider to refund all or part of any program grant the provider</u>	4940
<u>receives;</u>	4941
<u>(17) A brief description of any arrangements, including any</u>	4942
<u>subleases of infrastructure or joint ownership arrangements that</u>	4943
<u>the broadband provider that submitted the application has entered</u>	4944
<u>into, or plans to enter into, with another broadband provider, an</u>	4945
<u>electric cooperative, or an electric distribution utility, to</u>	4946
<u>enable the offering of tier two broadband service under the</u>	4947
<u>project;</u>	4948
<u>(18) Other relevant information that the department</u>	4949

determines is necessary and prescribes by rule; 4950

(19) Any other information the broadband provider considers 4951
necessary. 4952

(B) To meet the requirement to provide proof of financial 4953
responsibility in the application, the broadband provider may 4954
submit publicly available financial statements with its 4955
application. 4956

Sec. 122.4021. As a condition for receiving a program grant 4957
under the Ohio residential broadband expansion grant program, the 4958
broadband expansion program authority may require a broadband 4959
provider that is awarded a program grant to provide a performance 4960
bond, letter of credit, or other financial assurance acceptable to 4961
the authority prior to the commencement of construction. The bond, 4962
letter of credit, or assurance shall be in the sum, and with the 4963
sureties, that the state prescribes and shall be payable to the 4964
state, as applicable. 4965

The bond, letter of credit, or assurance may include the 4966
condition that the broadband provider will faithfully execute and 4967
complete the project. 4968

The purpose of the performance bond, letter of credit, or 4969
other financial assurance is to assure completion of the project. 4970
The bond, letter of credit, or assurance shall not be required 4971
after the project is complete. 4972

Sec. 122.4023. Pursuant to rules adopted under section 4973
122.4077 of the Revised Code, the department of development shall 4974
evaluate the information and documents submitted by a broadband 4975
provider in an application under section 122.4013 of the Revised 4976
Code or by a challenging provider under section 122.4030 of the 4977
Revised Code. The evaluation shall determine whether the 4978
information and documents are proprietary or constitute a trade 4979

secret. Upon receipt of the information and documents, the 4980
department shall keep them confidential and shall not publish them 4981
on the department's web site, unless the department finds that any 4982
information or document is not proprietary or a trade secret. Any 4983
information or document found not to be proprietary or a trade 4984
secret under this section shall not be considered confidential and 4985
shall be published on the department's web site as is required for 4986
an application under division (C)(2) of section 122.4019 of the 4987
Revised Code. 4988

Sec. 122.4024. The department of development shall establish 4989
an automatic notification process through which interested parties 4990
may receive electronic mail notifications when the department 4991
publishes application and other information on its web site 4992
pursuant to sections 122.40 to 122.4077 of the Revised Code. 4993

Sec. 122.4025. A broadband provider may enter into an 4994
arrangement to designate video service provider fees remitted by 4995
the broadband provider for contribution towards an eligible 4996
project's broadband funding gap under the following circumstances: 4997

(A) The broadband provider is a video service provider that, 4998
pursuant to section 1332.32 of the Revised Code, collects and 4999
remits video service provider fees to one or more legislative 5000
authorities in which an eligible project is located. 5001

(B) The arrangement is entered into by mutual consent with 5002
one or more of the legislative authorities in which the eligible 5003
project is located. 5004

Sec. 122.4030. (A) As used in section 122.4023 and sections 5005
122.4030 to 122.4035 of the Revised Code, "challenging provider" 5006
means either of the following: 5007

(1) A broadband provider that provides tier two broadband 5008

service within or directly adjacent to an eligible project; 5009

(2) A municipal electric utility that provides tier two 5010
broadband service to an area within the eligible project that is 5011
within the geographic area served by the municipal electric 5012
utility. 5013

(B)(1)(a) A challenging provider may challenge, in writing, 5014
all or part of a completed application for a program grant for the 5015
project not later than sixty-five days after the close of the 5016
submission period, or an extension granted under division (E)(2) 5017
of section 122.4019 of the Revised Code, in which the application 5018
was made. 5019

(b) The department of development, for good cause shown, may 5020
grant the broadband provider an extension of not more than 5021
fourteen days in which to submit a challenge. 5022

(2) The challenging provider shall provide, by certified 5023
mail, a written copy of the challenge to the department and to the 5024
broadband provider that submitted the application. The copy 5025
provided to the department may include any information the 5026
challenging provider considers to be proprietary or a trade 5027
secret. Proprietary information or trade secrets may be redacted 5028
from the copy provided to the broadband provider that submitted 5029
the application. 5030

(C) No challenge to an application may be accepted before the 5031
completed application is published in its entirety on the 5032
department's web site pursuant to division (C)(2) of section 5033
122.4019 of the Revised Code. 5034

Sec. 122.4031. (A) To successfully challenge an application, 5035
a challenging provider shall provide sufficient evidence to the 5036
department of development demonstrating that all or part of a 5037
project under the application is ineligible for a grant. The 5038

challenge shall, at minimum, include the following information: 5039

(1) Sufficient evidence disputing the notarized letter of 5040
intent submitted with the application that the eligible project 5041
contains unserved or tier one areas; 5042

(2) Sufficient evidence attesting to the challenging 5043
provider's existing or planned offering of tier two broadband 5044
service to all or part of the eligible project, which evidence 5045
shall include the following: 5046

(a) With regard to existing tier two broadband service, a 5047
signed, notarized statement submitted by the challenging provider 5048
that sufficiently identifies the part of the eligible project to 5049
which the challenging provider offers broadband service; 5050

(b) With regard to the planned provision of tier two 5051
broadband service by a challenging provider as described in 5052
division (B) of section 122.4016 of the Revised Code, both of the 5053
following: 5054

(i) A signed, notarized statement submitted by the 5055
challenging provider that sufficiently identifies the part of the 5056
eligible project to which the challenging provider will offer 5057
broadband service; 5058

(ii) A summary of the construction efforts that includes the 5059
dates when tier two broadband construction is expected to be 5060
completed and when tier two broadband service will first be 5061
offered to the part of the eligible project being challenged. 5062

(B) To demonstrate that all or part of a project under the 5063
application is ineligible for a grant, a challenging provider may 5064
present shapefile data, residential addresses, maps, or similar 5065
geographic details. Census block or census tract level data shall 5066
not be acceptable as evidence of ineligibility of all or part of a 5067
project. 5068

Sec. 122.4033. (A) Not later than thirty days after receipt 5069
of a challenge under sections 122.4030 to 122.4035 of the Revised 5070
Code, the broadband expansion program authority may do either of 5071
the following: 5072

(1) Suspend, subject to division (B) of this section, all or 5073
part of the application; 5074

(2) Reject the challenge, approve the application, and 5075
proceed with the application process. 5076

(B) The authority shall allow the broadband provider that 5077
submitted the application being challenged to revise the 5078
application consistent with sections 122.40 to 122.4077 of the 5079
Revised Code, if the authority upholds a challenge to all or part 5080
of the application. 5081

(C) The authority shall notify both the broadband provider 5082
that submitted the application and the challenging provider of any 5083
decision made under this section by providing a copy of the 5084
decision by certified mail or electronic mail. The authority shall 5085
update the status of the application on the department of 5086
development's web site. 5087

Sec. 122.4034. (A) If the broadband expansion program 5088
authority suspends all or part of an application, the broadband 5089
provider that submitted the application may revise and resubmit 5090
the application not later than fourteen days after receiving the 5091
suspension notification sent by the authority pursuant to section 5092
122.4033 of the Revised Code. The broadband provider may request, 5093
and the authority may grant for good cause shown, an extension 5094
period of not more than fourteen days in which the broadband 5095
provider may resubmit the application. 5096

(B) When revising the application, the broadband provider 5097
shall not expand the scope or impact of the original application, 5098

nor shall the provider add any new residential addresses to the 5099
eligible project. 5100

(C) The broadband provider shall provide a copy of the 5101
revised application to both the authority and the challenging 5102
provider by certified mail or by electronic mail or by uploading 5103
it to the department of development's designated web site for 5104
applications. The department shall publish the revised application 5105
on the department's public web site provided that any information 5106
determined to be proprietary or a trade secret under section 5107
122.4023 of the Revised Code is redacted. 5108

(D) Any failure to respond to the notification or properly 5109
revise the application to the authority's satisfaction shall be 5110
considered a withdrawal of the application. 5111

Sec. 122.4035. Upon receipt of a revised application under 5112
section 122.4034 of the Revised Code, the broadband expansion 5113
program authority shall review the revised application and decide 5114
whether to accept it or uphold the challenge under sections 5115
122.4030 to 122.4035 of the Revised Code within fourteen days. The 5116
authority shall provide a copy of its decision to both the 5117
broadband provider that submitted the revised application and the 5118
challenging provider by certified mail or electronic mail and 5119
shall update the status of the application on the department of 5120
development's web site. The decision shall be considered final, 5121
and further challenges to the revised application are prohibited. 5122

Sec. 122.4036. If the broadband expansion program authority 5123
upholds a challenge to an application under sections 122.4030 to 5124
122.4035 of the Revised Code and the challenging provider fails to 5125
provide tier two broadband service as described in the challenge, 5126
the challenging provider, after a reasonable opportunity to be 5127
heard, may be required to do either or both of the following, in 5128

addition to being subject to other remedies available under the 5129
law: 5130

(A) Pay to the department of development the amount of the 5131
original broadband funding gap described in section 122.4020 of 5132
the Revised Code for the application that was challenged; 5133

(B) Comply with the requirements of any other penalties 5134
prescribed by department rule and imposed after consultation with 5135
the authority. 5136

Sec. 122.4037. Any money collected under section 122.4036 of 5137
the Revised Code shall be deposited into the general revenue fund. 5138

Sec. 122.4040. The department of development, in consultation 5139
with the broadband expansion program authority, shall establish a 5140
weighted scoring system to evaluate and select applications for 5141
program grants. The scoring system shall be available on the 5142
department's web site at least thirty days before the beginning of 5143
the application submission period set by the department by rule. 5144
5145

Sec. 122.4041. (A) The scoring system established under 5146
section 122.4040 of the Revised Code shall prioritize 5147
applications, from highest to lowest weight, in the following 5148
order: 5149

(1) Eligible projects for unserved areas, rather than tier 5150
one areas; 5151

(2) Eligible projects located within distressed areas as 5152
defined under section 122.19 of the Revised Code; 5153

(3) Eligible projects that are receiving or have been 5154
approved to receive any financial or in-kind contributions towards 5155
the broadband funding gap identified in the application under 5156

division (A)(3) of section 122.4020 of the Revised Code, including 5157
the amounts and proportions of the contributions; 5158

(4) Eligible projects for which the proposed construction 5159
will utilize state rights-of-way or otherwise require attachment 5160
to, or use of, public facilities or conduit to provide tier two 5161
broadband service to an eligible project; 5162

(5) Eligible projects based on proposed upstream and 5163
downstream speeds and the scalability of the tier two broadband 5164
service infrastructure proposed to be deployed to speeds higher 5165
than twenty-five megabits per second downstream and three megabits 5166
per second upstream; 5167

(6) Eligible projects based on each of the following, in 5168
equal measure, without favoring one broadband provider over 5169
another: 5170

(a) Demonstrated support, supported by evidence, for 5171
community and economic development efforts in, or adjacent to, the 5172
projects, including the provision of tier two broadband service to 5173
commercial and nonresidential entities as a result of, but not 5174
funded directly by, the program; 5175

(b) The broadband provider's experience, technical ability, 5176
and financial capability in successfully deploying and providing 5177
tier two broadband service; 5178

(c) The length of time the broadband provider has been 5179
providing tier two broadband service in the state; 5180

(d) The extent to which funding is necessary to deploy tier 5181
two broadband service infrastructure in an economically feasible 5182
manner to the eligible project; 5183

(e) The ability of the broadband provider to leverage nearby 5184
or adjacent tier one or tier two broadband service infrastructure 5185
to facilitate the proposed deployment and provision of tier two 5186

broadband service to the eligible project; 5187

(f) If existing tier one or tier two broadband service 5188
infrastructure exists in the area of the eligible project, the 5189
extent to which the project utilizes or upgrades the existing tier 5190
one or tier two infrastructure, rather than duplicates it; 5191

(g) The eligible projects' location within Ohio opportunity 5192
zones as defined under division (A)(2) of section 122.84 of the 5193
Revised Code. 5194

(B) The department of development may include in the weighted 5195
scoring system any other factors it determines to be reasonable, 5196
appropriate, and consistent with the purpose of facilitating the 5197
economic deployment of tier two broadband service to unserved or 5198
tier one areas. The factors included under this division shall be 5199
considered after the weighted factors described in division (A) of 5200
this section. 5201

Sec. 122.4043. (A) The broadband expansion program authority 5202
shall award program grants under the Ohio residential broadband 5203
expansion grant program after reviewing applications sent to the 5204
authority by the department of development. Awards shall be 5205
granted after the authority scores applications based on the 5206
scoring system under sections 122.4040 and 122.4041 of the Revised 5207
Code. 5208

(B) In awarding program grants, the authority shall consider 5209
all regulatory obligations under applicable law. The authority may 5210
not consider any of the following: 5211

(1) Proposed project conditions that require open access 5212
networks or that establish a specific rate, service, or other 5213
obligation not specified for the Ohio residential broadband 5214
expansion grant program; 5215

(2) Factors that would constrain a broadband provider that 5216

receives a grant from offering or providing tier two broadband 5217
service in the same manner as the service is offered by broadband 5218
providers in other areas of the state without funding from the 5219
Ohio residential broadband expansion grant program. 5220

(C) Upon making the program grant awards, the authority shall 5221
notify the broadband providers that submitted applications of the 5222
award decisions. The authority shall publish the program grant 5223
awards on the department's web site. 5224

Sec. 122.4044. After the broadband expansion program 5225
authority awards a program grant under section 122.4043 of the 5226
Revised Code, the department of development shall disburse the 5227
program grant as follows: 5228

(A) A portion of the program grant, not to exceed thirty per 5229
cent, shall be disbursed before construction of the project 5230
begins. 5231

(B) A portion of the program grant, not to exceed sixty per 5232
cent, shall be disbursed through periodic payments over the course 5233
of construction of the eligible project as determined by the 5234
department by rules adopted under section 122.4077 of the Revised 5235
Code. 5236

(C) The remaining portion shall be disbursed not later than 5237
sixty days after the broadband provider notifies the authority 5238
that it has completed construction of the project. 5239

Sec. 122.4045. (A) The department of development may, through 5240
an independent third party, conduct speed verification tests of an 5241
eligible project that receives a program grant. Such tests shall 5242
occur as follows: 5243

(1) After the construction is complete, but prior to the 5244
final disbursement made under division (C) of section 122.4044 of 5245
the Revised Code to verify that tier two broadband service is 5246

being offered; 5247

(2) At any time during the reporting period required under 5248
division (B) of section 122.4070 of the Revised Code, after 5249
receiving a complaint concerning a residence that is part of the 5250
eligible project. 5251

(B) To evaluate compliance with tier two broadband service 5252
standards, speed verification tests conducted under this section 5253
shall be conducted on at least two different days and at two 5254
different times on each of those days. 5255

(C) The department may withhold payments under this section 5256
for failure to meet at least the minimum speeds required under 5257
division (A)(8) of section 122.4020 of the Revised Code. Payments 5258
may be held until such speeds are achieved. 5259

Sec. 122.4046. (A) If the department of development 5260
determines that a broadband provider that has been awarded a 5261
program grant under the Ohio residential broadband expansion grant 5262
program has not complied with the requirements of the program, the 5263
department shall notify the provider of the noncompliance. In 5264
accordance with rules adopted by the department under section 5265
122.4077 of the Revised Code, the department shall give the 5266
provider an opportunity to explain or cure the noncompliance. 5267

(B) After reviewing the broadband provider's explanation or 5268
effort to cure the noncompliance, the following shall apply: 5269

(1) The department may require the provider to refund an 5270
amount equal to all, or a portion of, the amount of the program 5271
grant awarded to the provider, as determined by the department. 5272

(2) The department may require the broadband provider to 5273
refund to the appropriate municipal corporation, township, or 5274
county the entire amount of general revenue funds or other 5275
discretionary funds that it contributed toward the broadband 5276

funding gap under division (A)(3)(c) or (d) of section 122.4020 of 5277
the Revised Code. 5278

(C) Not more than thirty days after the department's decision 5279
requiring a refund for program noncompliance or a failure to 5280
explain or cure it, the broadband provider shall pay the refund 5281
required under division (B) of this section. Payments shall be 5282
made directly to the municipal corporation, township, or county 5283
that contributed funds toward the broadband funding gap. 5284

Sec. 122.4050. Upon adoption of a resolution, a board of 5285
county commissioners may request the department of development to 5286
solicit applications from broadband providers for program grants 5287
under the Ohio residential broadband expansion grant program for 5288
eligible projects in the municipal corporations and townships of 5289
the county. 5290

A request made by a county shall identify, to the extent 5291
possible, the residential addresses in unserved or tier one areas 5292
of the county and provide a point of contact at the county and the 5293
municipal corporations and townships in which the addresses are 5294
located. The request may include any relevant information, 5295
documents, or materials that may be helpful for an application. 5296

Sec. 122.4051. Upon receipt of a request from a board of 5297
county commissioners pursuant to section 122.4050 of the Revised 5298
Code, the department of development shall solicit, on behalf of 5299
the county, applications for program grants for eligible projects 5300
under the Ohio residential broadband expansion grant program. Not 5301
later than seven days after receipt of the request, the department 5302
shall make the request, and any accompanying information submitted 5303
with the request, available for review on the department's web 5304
site. The request shall remain available on the web site for a 5305
period not to exceed two years. 5306

Sec. 122.4053. An application for a program grant under the Ohio residential broadband expansion grant program made in response to a request under section 122.4050 of the Revised Code shall fully comply with all of the program requirements. Nothing in sections 122.4050, 122.4051, and 122.4053 of the Revised Code shall be construed as providing relief from compliance with any program requirements.

Sec. 122.4055. The department of development shall not be responsible for any failure by a broadband provider to respond to a request made by the department pursuant to section 122.4051 of the Revised Code or to submit an application for a program grant under the Ohio residential broadband expansion grant program.

Sec. 122.4060. (A) An eligible project shall not proceed unless the broadband expansion program authority awards a program grant under section 122.4043 of the Revised Code.

(B) After receiving a program grant award, the broadband provider shall construct and install last mile broadband infrastructure to the eligible project.

Sec. 122.4061. Under alternate payment term arrangements made under section 122.4025 of the Revised Code, unless otherwise negotiated, the participating legislative authorities in which the eligible project is located shall assume all financial responsibility for all of the eligible project costs incurred by the broadband provider prior to completion of the project or the award of a program grant.

Sec. 122.4063. (A) Nothing in sections 122.40 to 122.4077 of the Revised Code entitles the state of Ohio, the department of development, the broadband expansion program authority, or any

other governmental entity to any ownership or other rights to 5335
broadband infrastructure constructed by a broadband provider 5336
pursuant to a program grant awarded to an eligible project. 5337

(B) Nothing in sections 122.40 to 122.4077 of the Revised 5338
Code prevents an assignment, sale, change in ownership, or other 5339
similar transaction associated with broadband infrastructure 5340
constructed by a broadband provider pursuant to a program grant 5341
awarded to an eligible project. No assignment, sale, change in 5342
ownership, or other similar transaction relieves the successor of 5343
any obligation under sections 122.40 to 122.4077 of the Revised 5344
Code. 5345

Sec. 122.4070. (A) Each broadband provider that receives a 5346
program grant shall submit to the department of development an 5347
annual progress report on the status of the deployment of the 5348
broadband network described in the eligible project for which the 5349
program grant award was made. 5350

(B) The broadband provider shall submit an operational report 5351
with the department not later than sixty days after the completion 5352
of the project and annually thereafter for a period of four years. 5353

Sec. 122.4071. (A) The reports required under section 5354
122.4070 of the Revised Code and except as provided in section 5355
122.4075 of the Revised Code, all information and documents in 5356
them shall be in a format specified by the department of 5357
development and shall be publicly available on the department's 5358
web site. 5359

(B) In each report, the broadband provider shall include an 5360
account of how program grant funds have been used and the 5361
project's progress toward fulfilling the objectives for which the 5362
program grant was awarded. The reports, at a minimum, shall 5363
include the following: 5364

(1) The number of residences that have access to tier two broadband services as a result of the eligible project; 5365
5366

(2) The number of commercial and nonresidential entities that are not funded directly by the grant program but have access to tier two broadband service as a result of the eligible project; 5367
5368
5369

(3) The upstream and downstream speed of the broadband service provided; 5370
5371

(4) The average price of broadband service; 5372

(5) The number of broadband service subscriptions attributable to the program grant. 5373
5374

Sec. 122.4073. The department of development may set a due date for the reports required under section 122.4070 of the Revised Code and, for good cause shown, may grant extensions of the report due dates. 5375
5376
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Sec. 122.4075. Reports required under section 122.4070 of the Revised Code, and all information and documents in them, shall be maintained on a confidential basis by the department of development and shall not be published on the department's web site until the department determines what information or documents are not confidential pursuant to section 122.4023 of the Revised Code. 5379
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Sec. 122.4076. (A) The broadband expansion program authority shall complete an annual report for the Ohio residential broadband expansion grant program. The report shall evaluate the success of the program grants awarded under section 122.4043 of the Revised Code in making tier two broadband services available to unserved and tier one areas. The report shall include the following information: 5386
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(1) The number of applications received; 5393

<u>(2) The number of applications that received program grants;</u>	5394
<u>(3) The amount of broadband infrastructure constructed for eligible projects;</u>	5395
<u>(4) The number of residences receiving, for that year, tier two broadband service for the first time under the program;</u>	5397
<u>(5) Findings and recommendations that have been agreed to by a majority of the authority members.</u>	5398
<u>(B) The report shall be published on the department of development's web site and shall be included as part of the department's annual report filed under section 121.18 of the Revised Code. The authority shall present the report annually to the governor and the general assembly not later than the first of December of each calendar year.</u>	5399
<u>Sec. 122.4077. (A) The department of development shall adopt rules for the Ohio residential broadband expansion grant program. The rules shall establish an application form and application procedures for the program and procedures for periodic program grant disbursements.</u>	5400
<u>(B) The rules may include the following:</u>	5401
<u>(1) Requirements for a program application in addition to the requirements described in section 122.4020 of the Revised Code;</u>	5402
<u>(2) Procedures for and circumstances under which partial funding of applications is permitted;</u>	5403
<u>(3) Procedures for broadband expansion program authority meetings, extension periods for applications and application challenges, hearings, and opportunities for public comment.</u>	5404
<u>(C) The department may adopt rules and procedures to implement sections 122.4051, 122.4053, and 122.4055 of the Revised Code.</u>	5405
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(D) Rules adopted under this section are not subject to 5423
section 121.95 of the Revised Code. 5424

(E) The department and the authority are not subject to 5425
division (F) of section 121.95 of the Revised Code regarding the 5426
development and adoption of rules pursuant to this section. 5427

Sec. 122.42. (A) The director of development ~~services~~ shall 5428
do all of the following: 5429

(1) Receive applications for assistance under sections 122.39 5430
and 122.41 to 122.62 of the Revised Code; 5431

(2) Make a final determination whether to approve the 5432
application for assistance; 5433

(3) Transmit determinations to approve assistance to the 5434
controlling board together with any information the controlling 5435
board requires for the board's review and decision as to whether 5436
to approve the assistance; 5437

(4) Issue revenue bonds of the state through the treasurer of 5438
state, as necessary, payable solely from revenues and other 5439
sources as provided in sections 122.39 and 122.41 to 122.62 of the 5440
Revised Code. 5441

(B) The director may do all of the following: 5442

(1) Fix the rate of interest and charges to be made upon or 5443
with respect to moneys loaned by the director and the terms upon 5444
which mortgages and lease rentals may be guaranteed and the rates 5445
of charges to be made for the loans and guarantees and to make 5446
provisions for the operation of the funds established by the 5447
director in accordance with this section and sections 122.54, 5448
122.55, 122.56, and 122.57 of the Revised Code; 5449

(2) Loan moneys from the fund established in accordance with 5450
section 122.54 of the Revised Code pursuant to and in compliance 5451
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 5452

(3) Acquire in the name of the director any property of any 5453
kind or character in accordance with sections 122.39 and 122.41 to 5454
122.62 of the Revised Code, by purchase, purchase at foreclosure, 5455
or exchange on such terms and in such manner as the director 5456
considers proper; 5457

(4) Make and enter into all contracts and agreements 5458
necessary or incidental to the performance of the director's 5459
duties and the exercise of the director's powers under sections 5460
122.39 and 122.41 to 122.62 of the Revised Code; 5461

(5) Maintain, protect, repair, improve, and insure any 5462
property which the director has acquired and dispose of the same 5463
by sale, exchange, or lease for the consideration and on the terms 5464
and in the manner as the director considers proper, but is not 5465
authorized to operate any such property as a business except as 5466
the lessor of the property; 5467

(6)(a) When the cost of any contract for the maintenance, 5468
protection, repair, or improvement of any property held by the 5469
director other than compensation for personal services involves an 5470
expenditure of more than one thousand dollars, the director shall 5471
make a written contract with the lowest responsive and responsible 5472
bidder in accordance with section 9.312 of the Revised Code after 5473
advertisement for not less than two consecutive weeks in a 5474
newspaper of general circulation in the county where such 5475
contract, or some substantial part of it, is to be performed, and 5476
in such other publications as the director determines, which 5477
notice shall state the general character of the work and the 5478
general character of the materials to be furnished, the place 5479
where plans and specifications may be examined, and the time and 5480
place of receiving bids. 5481

(b) Each bid for a contract for the construction, demolition, 5482
alteration, repair, or reconstruction of an improvement shall 5483
contain the full name of every person interested in it and meet 5484

the requirements of section 153.54 of the Revised Code. 5485

(c) Each bid for a contract, except as provided in division 5486
(B)(6)(b) of this section, shall contain the full name of every 5487
person interested in it and shall be accompanied by bond or 5488
certified check on a solvent bank, in such amount as the director 5489
considers sufficient, that if the bid is accepted a contract will 5490
be entered into and the performance of the proposal secured. 5491

(d) The director may reject any and all bids. 5492

(e) A bond with good and sufficient surety, approved by the 5493
director, shall be required of every contractor awarded a contract 5494
except as provided in division (B)(6)(b) of this section, in an 5495
amount equal to at least fifty per cent of the contract price, 5496
conditioned upon faithful performance of the contract. 5497

(7) Employ financial consultants, appraisers, consulting 5498
engineers, superintendents, managers, construction and accounting 5499
experts, attorneys, and other employees and agents as are 5500
necessary in the director's judgment and fix their compensation; 5501

(8) Assist qualified persons in the coordination and 5502
formation of a small business development company, having a 5503
statewide area of operation, conditional upon the company's 5504
agreeing to seek to obtain certification from the federal small 5505
business administration as a certified statewide development 5506
company and participation in the guaranteed loan program 5507
administered by the small business administration pursuant to the 5508
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 5509
initial period of formation of the statewide small business 5510
development company, the director shall provide technical and 5511
financial expertise, legal and managerial assistance, and other 5512
services as are necessary and proper to enable the company to 5513
obtain and maintain federal certification and participation in the 5514
federal guaranteed loan program. The director may charge a fee, in 5515

such amount and on such terms and conditions as the director 5516
determines necessary and proper, for assistance and services 5517
provided pursuant to division (B)(8) of this section. 5518

Persons chosen by the director to receive assistance in the 5519
formation of a statewide small business development company 5520
pursuant to division (B)(8) of this section shall make a special 5521
effort to use their participation in the federal guaranteed loan 5522
program to assist small businesses which are minority business 5523
enterprises as defined in division (E) of section 122.71 of the 5524
Revised Code. The director, with the assistance of the minority 5525
business development division of the department of development, 5526
shall provide technical and financial expertise, legal and 5527
managerial assistance, and other services in such a manner to 5528
enable the development company to provide assistance to small 5529
businesses which are minority business enterprises, and shall make 5530
available to the development company information pertaining to 5531
assistance available to minority business enterprises under 5532
programs established pursuant to sections 122.71 to 122.83, 122.87 5533
to 122.89, 122.92 to 122.94, ~~123.151~~ 122.921, and 125.081 of the 5534
Revised Code. 5535

(9) Receive and accept grants, gifts, and contributions of 5536
money, property, labor, and other things of value to be held, 5537
used, and applied only for the purpose for which such grants, 5538
gifts, and contributions are made, from individuals, private and 5539
public corporations, from the United States or any agency of the 5540
United States, from the state or any agency of the state, and from 5541
any political subdivision of the state, and may agree to repay any 5542
contribution of money or to return any property contributed or the 5543
value of the property at such times, in such amounts, and on such 5544
terms and conditions, excluding the payment of interest, as the 5545
director determines at the time such contribution is made, and may 5546
evidence such obligations by notes, bonds, or other written 5547

instruments; 5548

(10) Establish with the treasurer of state the funds provided 5549
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 5550
Code, in addition to such funds as the director determines are 5551
necessary or proper; 5552

(11) Do all acts and things necessary or proper to carry out 5553
the powers expressly granted and the duties imposed in sections 5554
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 5555

(C) All expenses and obligations incurred by the director in 5556
carrying out the director's powers and in exercising the 5557
director's duties under sections 122.39 and 122.41 to 122.62 of 5558
the Revised Code, shall be payable solely from the proceeds of 5559
revenue bonds issued pursuant to those sections, from revenues or 5560
other receipts or income of the director, from grants, gifts, and 5561
contributions, or funds established in accordance with those 5562
sections. Those sections do not authorize the director to incur 5563
indebtedness or to impose liability on the state or any political 5564
subdivision of the state. 5565

(D) Financial statements and financial data submitted to the 5566
director by any corporation, partnership, or person in connection 5567
with a loan application, or any information taken from such 5568
statements or data for any purpose, shall not be open to public 5569
inspection. 5570

Sec. 122.60. As used in sections 122.60 to 122.605 of the 5571
Revised Code: 5572

(A) "Capital access loan" means a loan made by a 5573
participating financial institution to an eligible business that 5574
may be secured by a deposit of money from the fund into the 5575
participating financial institution's program reserve account. 5576

(B) ~~"Department of development" means the development~~ 5577

~~services agency.~~ 5578

~~(C)~~ "Eligible business" means a for-profit business entity, 5579
or a nonprofit entity, that had total annual sales in its most 5580
recently completed fiscal year of less than ten million dollars 5581
and that has a principal place of for-profit business or nonprofit 5582
entity activity within the state, the operation of which, alone or 5583
in conjunction with other facilities, will create new jobs or 5584
preserve existing jobs and employment opportunities and will 5585
improve the economic welfare of the people of the state. As used 5586
in this division, "new jobs" does not include existing jobs 5587
transferred from another facility within the state, and "existing 5588
jobs" means only existing jobs at facilities within the same 5589
municipal corporation or township in which the project, activity, 5590
or enterprise that is the subject of a capital access loan is 5591
located. 5592

~~(D)~~~~(C)~~ "Financial institution" means any bank, trust company, 5593
savings bank, or savings and loan association that is chartered by 5594
and has a significant presence in the state, or any national bank, 5595
federal savings and loan association, or federal savings bank that 5596
has a significant presence in the state. 5597

~~(E)~~~~(D)~~ "Fund" means the capital access loan program fund. 5598

~~(F)~~~~(E)~~ "Minority business supplier development council" has 5599
the same meaning as in section 122.71 of the Revised Code. 5600

~~(G)~~~~(F)~~ "Participating financial institution" means a 5601
financial institution that has a valid, current participation 5602
agreement with the department of development ~~services agency~~. 5603

~~(H)~~~~(G)~~ "Participation agreement" means the agreement between 5604
a financial institution and the ~~agency~~ department under which a 5605
financial institution may participate in the program. 5606

~~(I)~~~~(H)~~ "Passive real estate ownership" means the ownership of 5607
real estate for the sole purpose of deriving income from it by 5608

speculation, trade, or rental. 5609

~~(J)~~(I) "Program" means the capital access loan program 5610
created under section 122.602 of the Revised Code. 5611

~~(K)~~(J) "Program reserve account" means a dedicated account at 5612
each participating financial institution that is the property of 5613
the state and may be used by the participating financial 5614
institution only for the purpose of recovering a claim under 5615
section 122.604 of the Revised Code arising from a default on a 5616
loan made by the participating financial institution under the 5617
program. 5618

Sec. 122.601. There is hereby created in the state treasury 5619
the capital access loan program fund. The fund shall consist of 5620
money deposited into it from the minority business enterprise loan 5621
fund pursuant to section 122.80 of the Revised Code and the 5622
facilities establishment fund pursuant to section 166.03 of the 5623
Revised Code and all money deposited into it pursuant to section 5624
122.602 of the Revised Code. The total amount of money deposited 5625
into the fund from the minority business enterprise loan fund or 5626
the facilities establishment fund shall not exceed three million 5627
dollars during any particular fiscal year of the department of 5628
development ~~services agency~~. 5629

The ~~agency~~ department shall disburse money from the fund only 5630
to pay the operating costs of the program, including the 5631
administrative costs incurred by the ~~agency~~ department in 5632
connection with the program, and only in keeping with the purposes 5633
specified in sections 122.60 to 122.605 of the Revised Code. 5634

Sec. 122.603. (A)(1) Upon approval by the director of 5635
development ~~services~~ and after entering into a participation 5636
agreement with the department of development ~~services agency~~, a 5637
participating financial institution making a capital access loan 5638

shall establish a program reserve account. The account shall be an 5639
interest-bearing account and shall contain only moneys deposited 5640
into it under the program and the interest payable on the moneys 5641
in the account. 5642

(2) All interest payable on the moneys in the program reserve 5643
account shall be added to the moneys and held as an additional 5644
loss reserve. The director may require that a portion or all of 5645
the accrued interest so held in the account be released to the 5646
agency department. If the director causes a release of accrued 5647
interest, the director shall deposit the released amount into the 5648
capital access loan program fund created in section 122.601 of the 5649
Revised Code. The director shall not require the release of that 5650
accrued interest more than twice in a fiscal year. 5651

(B) When a participating financial institution makes a 5652
capital access loan, it shall require the eligible business to pay 5653
to the participating financial institution a fee in an amount that 5654
is not less than one and one-half per cent, and not more than 5655
three per cent, of the principal amount of the loan. The 5656
participating financial institution shall deposit the fee into its 5657
program reserve account, and it also shall deposit into the 5658
account an amount of its own funds equal to the amount of the fee. 5659
The participating financial institution may recover from the 5660
eligible business all or part of the amount that the participating 5661
financial institution is required to deposit into the account 5662
under this division in any manner agreed to by the participating 5663
financial institution and the eligible business. 5664

(C) For each capital access loan made by a participating 5665
financial institution, the participating financial institution 5666
shall certify to the director, within a period specified by the 5667
director, that the participating financial institution has made 5668
the loan. The certification shall include the amount of the loan, 5669

the amount of the fee received from the eligible business, the 5670
amount of its own funds that the participating financial 5671
institution deposited into its program reserve account to reflect 5672
that fee, and any other information specified by the director. The 5673
certification also shall indicate if the eligible business 5674
receiving the capital access loan is a minority business 5675
enterprise as defined in section 122.71 of the Revised Code or 5676
certified by the minority business supplier development council. 5677

(D)(1)(a) Upon receipt of each of the first three 5678
certifications from a participating financial institution made 5679
under division (C) of this section and subject to section 122.602 5680
of the Revised Code, the director shall disburse to the 5681
participating financial institution from the capital access loan 5682
program fund an amount not to exceed fifty per cent of the 5683
principal amount of the particular capital access loan for deposit 5684
into the participating financial institution's program reserve 5685
account. Thereafter, upon receipt of a certification from that 5686
participating financial institution made under division (C) of 5687
this section and subject to section 122.602 of the Revised Code, 5688
the director shall disburse to the participating financial 5689
institution from the capital access loan program fund an amount 5690
equal to ten per cent of the principal amount of the particular 5691
capital access loan for deposit into the participating financial 5692
institution's program reserve account. 5693

(b) Notwithstanding division (D)(1)(a) of this section, and 5694
subject to section 122.602 of the Revised Code, upon receipt of 5695
any certification from a participating financial institution made 5696
under division (C) of this section with respect to a capital 5697
access loan made to an eligible business that is a minority 5698
business enterprise, the director shall disburse to the 5699
participating financial institution from the capital access loan 5700
program fund an amount not to exceed eighty per cent of the 5701

principal amount of the particular capital access loan for deposit 5702
into the participating financial institution's program reserve 5703
account. 5704

(2) The disbursement of moneys from the fund to a 5705
participating financial institution does not require approval from 5706
the controlling board. 5707

(E) If the amount in a program reserve account exceeds an 5708
amount equal to thirty-three per cent of a participating financial 5709
institution's outstanding capital access loans, the ~~agency~~ 5710
department may cause the withdrawal of the excess amount and the 5711
deposit of the withdrawn amount into the capital access loan 5712
program fund. 5713

(F)(1) The ~~agency~~ department may cause the withdrawal of the 5714
total amount in a participating financial institution's program 5715
reserve account if any of the following applies: 5716

(a) The financial institution is no longer eligible to 5717
participate in the program. 5718

(b) The participation agreement expires without renewal by 5719
the ~~agency~~ department or the financial institution. 5720

(c) The financial institution has no outstanding capital 5721
access loans. 5722

(d) The financial institution has not made a capital access 5723
loan within the preceding twenty-four months. 5724

(2) If the ~~agency~~ department causes a withdrawal under 5725
division (F)(1) of this section, the ~~agency~~ department shall 5726
deposit the withdrawn amount into the capital access loan program 5727
fund. 5728

Sec. 122.65. As used in sections 122.65 to 122.659 of the 5729
Revised Code: 5730

(A) "Applicable cleanup standards" means either of the	5731
following:	5732
(1) For property to which Chapter 3734. of the Revised Code	5733
and rules adopted under it apply, the requirements for closure or	5734
corrective action established in rules adopted under section	5735
3734.12 of the Revised Code;	5736
(2) For property to which Chapter 3746. of the Revised Code	5737
and rules adopted under it apply, the cleanup standards that are	5738
established in rules adopted under section 3746.04 of the Revised	5739
Code.	5740
(B) "Applicant" means a county, township, municipal	5741
corporation, port authority, or conservancy district or a park	5742
district, other similar park authority, nonprofit organization, or	5743
organization for profit that has entered into an agreement with a	5744
county, township, municipal corporation, port authority, or	5745
conservancy district to work in conjunction with that county,	5746
township, municipal corporation, port authority, or conservancy	5747
district for the purposes of sections 122.65 to 122.658 of the	5748
Revised Code.	5749
(C) "Assessment" means a phase I and phase II property	5750
assessment conducted in accordance with section 3746.04 of the	5751
Revised Code and rules adopted under that section.	5752
(D) "Brownfield" means an abandoned, idled, or under-used	5753
industrial, commercial, or institutional property where expansion	5754
or redevelopment is complicated by known or potential releases of	5755
hazardous substances or petroleum.	5756
(E) "Certified professional," "hazardous substance,"	5757
"petroleum," and "release" have the same meanings as in section	5758
3746.01 of the Revised Code.	5759
(F) "Cleanup or remediation" means any action to contain,	5760
remove, or dispose of hazardous substances or petroleum at a	5761

brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

(G) "Distressed area" means either a municipal corporation with a population of at least fifty thousand or a county that meets any two of the following criteria:

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.

(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

"Distressed area" includes a municipal corporation the majority of the population of which is situated in a county that is a distressed area.

(H) "Eligible area" means a distressed area, an inner city area, a labor surplus area, or a situational distress area.

(I) "Inner city area" means an area in a municipal corporation that has a population of at least one hundred thousand, is not a labor surplus area, and is a targeted

investment area established by the municipal corporation that is 5792
comprised of block tracts identified in the most recently 5793
available figures from the United States census bureau in which at 5794
least twenty per cent of the population in the area is at or below 5795
the official poverty line or of contiguous block tracts meeting 5796
those criteria. 5797

(J) "Institutional property" means property currently or 5798
formerly owned or controlled by the state that is or was used for 5799
a public or charitable purpose. However, "institutional property" 5800
does not mean property that is or was used for educational 5801
purposes. 5802

(K) "Integrating committee" means a district public works 5803
integrating committee established under section 164.04 of the 5804
Revised Code. 5805

(L) "Labor surplus area" means an area designated as a labor 5806
surplus area by the United States department of labor. 5807

(M) "Loan" includes credit enhancement. 5808

(N) "No further action letter" means a letter that is 5809
prepared by a certified professional when, on the basis of the 5810
best knowledge, information, and belief of the certified 5811
professional, the certified professional concludes that the 5812
cleanup or remediation of a brownfield meets the applicable 5813
cleanup standards and that contains all of the information 5814
specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 5815
3746.04 of the Revised Code. 5816

(O) "Nonprofit organization" means a corporation, 5817
association, group, institution, society, or other organization 5818
that is exempt from federal income taxation under section 5819
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 5820
26 U.S.C. 501(c)(3), as amended. 5821

(P) "Property" means any parcel of real property, or portion 5822

of such a parcel, and any improvements to it. 5823

(Q) "Public health project" means the cleanup or remediation 5824
of a release or threatened release of hazardous substances or 5825
petroleum at a property where little or no economic redevelopment 5826
potential exists. 5827

(R) "Official poverty line" has the same meaning as in 5828
section 3923.51 of the Revised Code. 5829

(S) "Situational distress area" means a county or a municipal 5830
corporation that has experienced or is experiencing a closing or 5831
downsizing of a major employer that will adversely affect the 5832
county or municipal corporation's economy and that has applied to 5833
the director of development to be designated as a situational 5834
distress area for not more than thirty months by demonstrating all 5835
of the following: 5836

(1) The number of jobs lost by the closing or downsizing; 5837

(2) The impact that the job loss has on the county or 5838
municipal corporation's unemployment rate as measured by the 5839
director of job and family services; 5840

(3) The annual payroll associated with the job loss; 5841

(4) The amount of state and local taxes associated with the 5842
job loss; 5843

(5) The impact that the closing or downsizing has on 5844
suppliers located in the county or municipal corporation. 5845

Sec. 122.72. (A) There is hereby created the minority 5846
development financing advisory board to assist in carrying out the 5847
programs created pursuant to sections 122.71 to 122.83 and 122.87 5848
to 122.89 of the Revised Code. 5849

(B) The board shall consist of ten members. The director of 5850
development or the director's designee shall be a voting member on 5851

the board. Seven members shall be appointed by the governor with 5852
the advice and consent of the senate and selected because of their 5853
knowledge of and experience in industrial, business, and 5854
commercial financing, suretyship, construction, and their 5855
understanding of the problems of minority business enterprises; 5856
one member also shall be a member of the senate and appointed by 5857
the president of the senate, and one member also shall be a member 5858
of the house of representatives and appointed by the speaker of 5859
the house of representatives. With respect to the board, all of 5860
the following apply: 5861

(1) Not more than four of the members of the board appointed 5862
by the governor shall be of the same political party. 5863

(2) Each member shall hold office from the date of the 5864
member's appointment until the end of the term for which the 5865
member was appointed. 5866

(3) The terms of office for the seven members appointed by 5867
the governor shall be for seven years, commencing on the first day 5868
of October and ending on the thirtieth day of September of the 5869
seventh year, except that of the original seven members, three 5870
shall be appointed for three years and two shall be appointed for 5871
five years. 5872

(4) Any member of the board is eligible for reappointment. 5873

(5) Any member appointed to fill a vacancy occurring prior to 5874
the expiration of the term for which the member's predecessor was 5875
appointed shall hold office for the remainder of the predecessor's 5876
term. 5877

(6) Any member shall continue in office subsequent to the 5878
expiration date of the member's term until the member's successor 5879
takes office, or until a period of sixty days has elapsed, 5880
whichever occurs first. 5881

(7) Before entering upon official duties as a member of the 5882

board, each member shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. 5883
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(8) The governor may, at any time, remove any member appointed by the governor pursuant to section 3.04 of the Revised Code. 5885
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(9) Notwithstanding section 101.26 of the Revised Code, members shall receive their necessary and actual expenses while engaged in the business of the board and shall be paid at the per diem rate of step 1 of pay range 31 of section 124.15 of the Revised Code. 5888
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(10) Six members of the board constitute a quorum and the affirmative vote of six members is necessary for any action taken by the board. 5893
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(11) In the event of the absence of a member appointed by the president of the senate or by the speaker of the house of representatives, either of the following persons may serve in the member's absence: 5896
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(a) The president of the senate or the speaker of the house of representatives, whoever appointed the absent member; 5900
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(b) A member of the senate or of the house of representatives of the same political party as the absent member, as designated by the president of the senate or the speaker of the house of representatives, whoever appointed the absent member. 5902
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(12) The board shall annually elect one of its members as chairperson and another as vice-chairperson. 5906
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Sec. 122.73. (A) The minority development financing advisory board and the director of development are invested with the powers and duties provided in sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code, in order to promote the welfare of the people of the state by encouraging the establishment and expansion 5908
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of minority business enterprises; to stabilize the economy; to 5913
provide employment; to assist in the development within the state 5914
of industrial, commercial, distribution, and research activities 5915
required for the people of the state, and for their gainful 5916
employment; or otherwise to create or preserve jobs and employment 5917
opportunities, or improve the economic welfare of the people of 5918
the state. It is hereby determined that the accomplishment of 5919
those purposes is essential so that the people of the state may 5920
maintain their present high standards of living in comparison with 5921
the people of other states and so that opportunities for 5922
employment and for favorable markets for the products of the 5923
state's natural resources, agriculture, and manufacturing shall be 5924
improved. It further is determined that it is necessary for the 5925
state to establish the programs authorized under sections 122.71 5926
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 5927
the minority development financing advisory board, and to invest 5928
it and the director of development with the powers and duties 5929
provided in those sections ~~122.71 to 122.89~~ of the Revised Code. 5930

(B) The minority development financing advisory board shall 5931
do all of the following: 5932

(1) Make recommendations to the director as to applications 5933
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 5934
122.89 of the Revised Code. The board may revise its 5935
recommendations to reflect any changes in the proposed assistance 5936
made by the director. 5937

(2) Advise the director in the administration of sections 5938
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 5939

(3) Adopt bylaws to govern the conduct of the business of the 5940
board. 5941

Sec. 122.74. (A)(1) The director of development shall do all 5942
of the following: 5943

(a) Receive applications for assistance under sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code and applications from surety companies for bond guarantees under section 122.90 of the Revised Code, and, after processing but subject to division (A)(2) of this section, forward them to the minority development financing advisory board together with necessary supporting information;

(b) Receive the recommendations of the board and make a final determination whether to approve the application for assistance;

(c) Receive recommendations from a regional economic development entity for loans made under section 122.76 of the Revised Code and make a final determination, notwithstanding divisions (A)(1) and (2) of this section, whether to approve the proposed loan;

(d) Transmit the director's determinations to approve assistance to the controlling board unless such assistance falls under section 122.90 of the Revised Code and has been previously approved by the controlling board, together with any information the controlling board requires for its review and decision as to whether to approve the assistance.

(2) The director is not required to submit any determination, data, terms, or any other application materials or information to the minority development financing advisory board when provision of the assistance has been recommended to the director by a regional economic development entity or when an application for a surety company for bond guarantees under section 122.90 of the Revised Code has been previously approved by the controlling board.

(B) The director may do all of the following:

(1) Fix the rate of interest and charges to be made upon or with respect to moneys loaned or guaranteed by the director and

the terms upon which mortgages and lease rentals may be guaranteed 5975
and the rates of charges to be made for them and make provisions 5976
for the operation of the funds established by the director in 5977
accordance with this section and sections 122.80, 122.88, and 5978
122.90 of the Revised Code; 5979

(2) Loan and guarantee moneys from the fund established in 5980
accordance with section 122.80 of the Revised Code pursuant to and 5981
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 5982
of the Revised Code. 5983

(3) Acquire in the name of the director any property of any 5984
kind or character in accordance with sections 122.71 to 122.83 and 5985
122.87 to 122.90 of the Revised Code, by purchase, purchase at 5986
foreclosure, or exchange on such terms and in such manner as the 5987
director considers proper; 5988

(4) Make and enter into all contracts and agreements 5989
necessary or incidental to the performance of the director's 5990
duties and the exercise of the director's powers under sections 5991
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 5992

(5) Maintain, protect, repair, improve, and insure any 5993
property that the director has acquired and dispose of it by sale, 5994
exchange, or lease for the consideration and on the terms and in 5995
the manner as the director considers proper, but the director 5996
shall not operate any such property as a business except as the 5997
lessor of it; 5998

(6)(a) When the cost of any contract for the maintenance, 5999
protection, repair, or improvement of any property held by the 6000
director, other than compensation for personal services, involves 6001
an expenditure of more than fifty thousand dollars, the director 6002
shall make a written contract with the lowest responsive and 6003
responsible bidder in accordance with section 9.312 of the Revised 6004
Code after advertisement for not less than two consecutive weeks 6005

in a newspaper of general circulation in the county where such 6006
contract, or some substantial part of it, is to be performed, and 6007
in such other publications as the director determines, which 6008
notice shall state the general character of the work and the 6009
general character of the materials to be furnished, the place 6010
where plans and specifications therefor may be examined, and the 6011
time and place of receiving bids. 6012

(b) Each bid for a contract for the construction, demolition, 6013
alteration, repair, or reconstruction of an improvement shall 6014
contain the full name of every person interested in it and meet 6015
the requirements of section 153.54 of the Revised Code. 6016

(c) Each bid for a contract, except as provided in division 6017
(B)(6)(b) of this section, shall contain the full name of every 6018
person interested in it and shall be accompanied by bond or 6019
certified check on a solvent bank, in such amount as the director 6020
considers sufficient, that if the bid is accepted a contract will 6021
be entered into and the performance of the proposal secured. 6022

(d) The director may reject any and all bids. 6023

(e) A bond with good and sufficient surety, approved by the 6024
director, shall be required of every contractor awarded a contract 6025
except as provided in division (B)(6)(b) of this section, in an 6026
amount equal to at least fifty per cent of the contract price, 6027
conditioned upon faithful performance of the contract. 6028

(7) Employ or contract with financial consultants, 6029
appraisers, consulting engineers, superintendents, managers, 6030
construction and accounting experts, attorneys, and other 6031
employees and agents as are necessary in the director's judgment 6032
and fix their compensation; 6033

(8) Receive and accept grants, gifts, and contributions of 6034
money, property, labor, and other things of value to be held, 6035
used, and applied only for the purpose for which the grants, 6036

gifts, and contributions are made, from individuals, private and 6037
public corporations, from the United States or any agency thereof, 6038
from the state or any agency thereof, and from any political 6039
subdivision of the state, and may agree to repay any contribution 6040
of money or to return any property contributed or the value 6041
thereof at such times, in amounts, and on terms and conditions, 6042
excluding the payment of interest, as the director determines at 6043
the time the contribution is made, and may evidence the 6044
obligations by notes, bonds, or other written instruments; 6045

(9) Establish with the treasurer of state the funds provided 6046
in sections 122.80 and 122.88 of the Revised Code in addition to 6047
such funds as the director determines are necessary or proper; 6048

(10) Adopt rules under Chapter 119. of the Revised Code 6049
necessary to implement sections 122.71 to 122.83 and 122.87 to 6050
122.90 of the Revised Code. 6051

(11) Do all acts and things necessary or proper to carry out 6052
the powers expressly granted and the duties imposed in sections 6053
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 6054

(C)(1) All expenses and obligations incurred by the director 6055
in carrying out the director's powers and in exercising the 6056
director's duties under sections 122.71 to 122.83 and 122.87 to 6057
122.90 of the Revised Code shall be payable solely from revenues 6058
or other receipts or income of the director, from grants, gifts, 6059
and contributions, or funds established in accordance with such 6060
sections. Such sections do not authorize the director to incur 6061
indebtedness or to impose liability on the state or any political 6062
subdivision of the state. 6063

(2) Financial statements and other data submitted to the 6064
director by any corporation, partnership, or person in connection 6065
with financial assistance provided under sections 122.71 to 122.83 6066
and 122.87 to 122.90 of the Revised Code, or any information taken 6067

from such statements or data for any purpose, shall not be open to 6068
public inspection. 6069

Sec. 122.751. The minority development financing advisory 6070
board or a regional economic development entity shall only 6071
consider an application for a loan from any applicant after a 6072
determination that the applicant is a community development 6073
corporation, or after a certification by the ~~equal employment~~ 6074
~~opportunity coordinator~~ director of the ~~department of~~ 6075
~~administrative services~~ development under division (B)(1) of 6076
section ~~123.151~~ 122.921 of the Revised Code that the applicant is 6077
a minority business enterprise, or after a certification by the 6078
minority business supplier development council that the applicant 6079
is a minority business, and that the applicant satisfies all 6080
criteria regarding eligibility for assistance pursuant to section 6081
122.76 of the Revised Code. 6082

Sec. 122.76. (A) The director of development ~~services~~, with 6083
controlling board approval, may lend funds to minority business 6084
enterprises and to community improvement corporations, Ohio 6085
development corporations, minority contractors business assistance 6086
organizations, and minority business supplier development councils 6087
for the purpose of loaning funds to minority business enterprises, 6088
for the purpose of procuring or improving real or personal 6089
property, or both, for the establishment, location, or expansion 6090
of industrial, distribution, commercial, or research facilities in 6091
the state, and for the purpose of contract financing, and to 6092
community development corporations that predominantly benefit 6093
minority business enterprises or are located in a census tract 6094
that has a population that is sixty per cent or more minority, if 6095
the director determines, in the director's sole discretion, that 6096
all of the following apply: 6097

(1) The project is economically sound and will benefit the 6098

people of the state by increasing opportunities for employment, by 6099
strengthening the economy of the state, or expanding minority 6100
business enterprises. 6101

(2) The proposed minority business enterprise borrower is 6102
unable to finance the proposed project through ordinary financial 6103
channels at comparable terms. 6104

(3) The value of the project is or, upon completion, will be 6105
at least equal to the total amount of the money expended in the 6106
procurement or improvement of the project. 6107

(4) The amount to be loaned by the director will not exceed 6108
seventy-five per cent of the total amount expended in the 6109
procurement or improvement of the project. 6110

(5) The amount to be loaned by the director will be 6111
adequately secured by a first or second mortgage upon the project 6112
or by mortgages, leases, liens, assignments, or pledges on or of 6113
other property or contracts as the director requires, and such 6114
mortgage will not be subordinate to any other liens or mortgages 6115
except the liens securing loans or investments made by financial 6116
institutions referred to in division (A)(3) of this section, and 6117
the liens securing loans previously made by any financial 6118
institution in connection with the procurement or expansion of all 6119
or part of a project. 6120

(B) Any proposed minority business enterprise borrower 6121
submitting an application for assistance under this section shall 6122
not have defaulted on a previous loan from the director, and no 6123
full or limited partner, major shareholder, or holder of an equity 6124
interest of the proposed minority business enterprise borrower 6125
shall have defaulted on a loan from the director. 6126

(C) The proposed minority business enterprise borrower shall 6127
demonstrate to the satisfaction of the director that it is able to 6128
successfully compete in the private sector if it obtains the 6129

necessary financial, technical, or managerial support and that 6130
support is available through the director, the minority business 6131
development ~~office~~ division of the department of development 6132
~~services agency~~, or other identified and acceptable sources. In 6133
determining whether a minority business enterprise borrower will 6134
be able to successfully compete, the director may give 6135
consideration to such factors as the successful completion of or 6136
participation in courses of study, recognized by the ~~board~~ 6137
department of regents higher education as providing financial, 6138
technical, or managerial skills related to the operation of the 6139
business, by the economically disadvantaged individual, owner, or 6140
partner, and the prior success of the individual, owner, or 6141
partner in personal, career, or business activities, as well as to 6142
other factors identified by the director. 6143

(D) The director shall not lend funds for the purpose of 6144
procuring or improving motor vehicles or accounts receivable. 6145

Sec. 122.77. (A) The director of development with controlling 6146
board approval may make loan guarantees to small businesses and 6147
corporations for the purpose of guaranteeing loans made to small 6148
businesses by financial institutions for the purpose of procuring 6149
or improving real or personal property, or both, for the 6150
establishment, location, or expansion of industrial, distribution, 6151
commercial, or research facilities in the state, if the director 6152
determines, in the director's sole discretion, that all of the 6153
following apply: 6154

(1) The project is economically sound and will benefit the 6155
people of the state by increasing opportunities for employment, by 6156
strengthening the economy of the state, or expanding minority 6157
business enterprises. 6158

(2) The proposed small business borrower is unable to finance 6159
the proposed project through ordinary financial channels at 6160

comparable terms. 6161

(3) The value of the project is, or upon completion of it 6162
will be, at least equal to the total amount of the money expended 6163
in the procurement or improvement of the project and of which 6164
amount one or more financial institutions or other governmental 6165
entities have loaned not less than thirty per cent. 6166

(4) The amount to be guaranteed by the director will not 6167
exceed eighty per cent of the total amount expended in the 6168
procurement or improvement of the project. 6169

(5) The amount to be guaranteed by the director will be 6170
adequately secured by a first or second mortgage upon the project, 6171
or by mortgages, leases, liens, assignments, or pledges on or of 6172
other property or contracts as the director shall require and that 6173
such mortgage will not be subordinate to any other liens or 6174
mortgages except the liens securing loans or investments made by 6175
financial institutions referred to in division (A)(3) of this 6176
section, and the liens securing loans previously made by any 6177
financial institution in connection with the procurement or 6178
expansion of all or part of a project. 6179

(B) The proposed small business borrower shall not have 6180
defaulted on a previous loan or guarantee from the director, and 6181
no full or limited partner, or major shareholder, or holder of any 6182
equity interest of the proposed minority business enterprise 6183
borrower shall have defaulted on a loan or guarantee from the 6184
director. 6185

(C) The proposed small business borrower shall demonstrate to 6186
the satisfaction of the director that it is able to successfully 6187
compete in the private sector if it obtains the necessary 6188
financial, technical, or managerial support and that support is 6189
available through the director, the minority business development 6190
office division of the department of development, or other 6191

identified and acceptable sources. In determining whether a small 6192
business borrower will be able to successfully compete, the 6193
director may give consideration to such factors as the successful 6194
completion of or participation in courses of study, recognized by 6195
the ~~board~~ department of ~~regents~~ higher education as providing 6196
financial, technical, or managerial skills related to the 6197
operation of the business, by the economically disadvantaged 6198
individual, owner, or partner, and the prior success of the 6199
individual, owner, or partner in personal, career, or business 6200
activities, as well as to other factors identified by the 6201
director. 6202

(D) The director shall not guarantee funds for the purpose of 6203
procuring or improving motor vehicles or accounts receivable. 6204

Sec. 122.78. Fees, charges, rates of interest, times of 6205
payment of interest and principal, and other terms, conditions, 6206
and provisions of the loans and guarantees made by the director of 6207
development pursuant to sections 122.71 to 122.83 and 122.87 to 6208
122.90 of the Revised Code shall be such as the director 6209
determines to be appropriate and in furtherance of the purpose for 6210
which the loans and guarantees are made, but the mortgage lien 6211
securing any money loaned or guaranteed by the director may be 6212
subordinate to the mortgage lien securing any money loaned or 6213
invested by a financial institution, but shall be superior to that 6214
securing any money loaned or expended by any other corporation or 6215
person. The funds used in making these loans or guarantees shall 6216
be disbursed upon order of the director. 6217

Sec. 122.79. The exercise of the powers granted by sections 6218
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 6219
in all respects for the benefit of the people of the state, for 6220
the increase of their commerce and prosperity, for the increase 6221
and expansion of minority business enterprises, and for the 6222

improvement of conditions of employment, and will constitute the 6223
performance of essential governmental functions; therefore, the 6224
director of development shall not be required to pay any taxes 6225
upon any property or assets held by the director, or upon any 6226
property acquired or used by the director under sections 122.71 to 6227
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 6228
income from it, provided that this exemption shall not apply to 6229
any property held by the director while it is in the possession of 6230
a private person, partnership, or corporation and used for private 6231
purposes for profit, in which case such tax liability shall accrue 6232
to the private person, partnership, or corporation. 6233

Sec. 122.82. All moneys, funds, properties, and assets 6234
acquired by the director of development shall be held by the 6235
director in trust to carry out the director's powers and duties, 6236
shall be used as provided in sections 122.71 to 122.83 and 122.87 6237
to 122.90 of the Revised Code, and shall at no time be part of 6238
other public funds. 6239

Sec. 122.851. (A) As used in this section: 6240

(1) "Venture capital operating company" has the same meaning 6241
as in 29 C.F.R. 2510.3-101. 6242

(2) "Ohio venture capital operating company" means a venture 6243
capital operating company certified by the director of development 6244
as having met the requirements prescribed by division (B) of this 6245
section. A venture capital operating company is an Ohio venture 6246
capital operating company only for so long as the certification is 6247
valid. 6248

(3) "Ohio business" means a business that, in either the 6249
calendar year in which a capital gain from the business is 6250
recognized by the Ohio venture capital operating company or its 6251
direct or indirect investors or the calendar year in which the 6252

Ohio venture capital operating company distributes an equity 6253
interest or security in the business, has its headquarters in this 6254
state and employs more than one-half of the total number of its 6255
full-time equivalent employees in this state. For the purpose of 6256
this section, an employee is employed in this state if the 6257
business is required to withhold income tax under section 5747.06 6258
of the Revised Code for fifty per cent or more of the compensation 6259
paid to the employee in either the calendar year in which the Ohio 6260
venture capital operating company or its direct or indirect 6261
investors recognize a capital gain from the business or the 6262
calendar year in which the Ohio venture capital operating company 6263
distributes an equity interest or security in the business, as 6264
applicable. 6265

(4) "Qualifying interest" means a direct or indirect 6266
ownership interest acquired through an investment of cash or cash 6267
equivalent made in, or the provision of services to, a venture 6268
capital operating company during the period for which it was 6269
certified as an Ohio venture capital operating company. 6270

(B)(1) A venture capital operating company may apply to the 6271
director of development for certification as an Ohio venture 6272
capital operating company if it manages, or has capital 6273
commitments of, at least fifty million dollars in active assets 6274
and at least two-thirds of its managing and general partners are 6275
residents of Ohio under division (I) of section 5747.01 of the 6276
Revised Code. The director, in consultation with the tax 6277
commissioner, shall prescribe the form and manner of the 6278
application and the information or documentation required to be 6279
submitted with the application. 6280

(2) The director shall review and make a determination with 6281
respect to each application submitted under this division within 6282
sixty days of receipt. The director shall grant certification to 6283
any applicant that meets the criteria prescribed by this division. 6284

The director shall decline certification of any applicant that 6285
does not meet such criteria. The director shall notify the 6286
applicant and the tax commissioner of the director's determination 6287
in writing. 6288

(C)(1) Certification as an Ohio venture capital operating 6289
company is valid for as long as the company continues to qualify 6290
as a venture capital operating company and meets the criteria 6291
prescribed by division (B)(1) of this section. 6292

(2) A company that no longer qualifies as a venture capital 6293
operating company or no longer meets the criteria prescribed by 6294
division (B)(1) of this section shall notify the director within 6295
thirty days of the date the company ceases to qualify. 6296

(3) Upon receiving such a notification or upon otherwise 6297
discovering that an Ohio venture capital operating company no 6298
longer qualifies for certification, the director shall issue a 6299
written notice of revocation to the venture capital operating 6300
company and the tax commissioner. The notice shall state the 6301
effective date of the revocation, which shall be the date the 6302
company ceased to qualify for certification as an Ohio venture 6303
capital operating company. 6304

(4) An Ohio venture capital operating company receiving such 6305
a notice may contest the director's decision to revoke its 6306
certification or the effective date of that revocation by 6307
submitting additional information or documentation to the director 6308
and requesting reconsideration in writing within thirty days of 6309
the notice of revocation based on that information or 6310
documentation. The director shall review and evaluate any such 6311
requests within thirty days of receipt. The director shall notify 6312
the company and tax commissioner in writing of the director's 6313
decision on the request, which shall not be subject to appeal or 6314
further review. 6315

(D)(1) On or after the first day of January and on or before 6316
the first day of February of each year, a company that is 6317
certified as an Ohio venture capital operating company shall 6318
provide the following information, on forms prescribed by the 6319
director of development, to the director and the tax commissioner: 6320

(a) The name, social security or federal employer 6321
identification number, and ownership percentage of each person 6322
with a qualifying interest in the company; 6323

(b) The amount of capital gains generated during the portion 6324
of the previous calendar year during which the company was 6325
certified as an Ohio venture capital operating company; 6326

(c) A description of the company's investments that generated 6327
the capital gains described in division (D)(1)(b) of this section, 6328
including the date of sale and whether the investment was in an 6329
Ohio business; 6330

(d) The amount of, and basis in, any equity interests or 6331
securities distributed to each investor, arranged by entity, while 6332
the company was certified as an Ohio venture capital operating 6333
company and whether the entity is an Ohio business; 6334

(e) Any other information the director, in consultation with 6335
the tax commissioner, considers relevant and necessary to 6336
administer the deduction allowed under division (A)(35) of section 6337
5747.01 of the Revised Code. 6338

(2) The director shall review the information submitted under 6339
division (D)(1) of this section by an Ohio venture capital 6340
operating company within sixty days of receipt. If the company 6341
generated capital gains that qualify for the deduction allowed 6342
under division (A)(35) of section 5747.01 of the Revised Code or 6343
distributed equity interests or securities that, when sold, will 6344
qualify for the deduction once income is recognized from its 6345
disposition, the director shall issue a certificate to the 6346

company. The certificate shall include a unique number and the 6347
following information: 6348

(a) The total amount of capital gains generated during the 6349
portion of the year during which the company was certified as an 6350
Ohio venture capital operating company; 6351

(b) The portion of the capital gains attributable to the 6352
company's investments in Ohio businesses; and 6353

(c) The total amount of, and basis in, any equity interests 6354
or securities distributed during the portion of the year during 6355
which the company was certified as an Ohio venture capital 6356
operating company; 6357

(d) The portion of the distributed equity interests or 6358
securities attributable to the company's investments in Ohio 6359
businesses; 6360

(e) The portion of the amounts described in divisions 6361
(D)(2)(a) and (b) of this section attributable to each individual 6362
with a qualifying interest in the company; 6363

(f) Any other information the director or tax commissioner 6364
considers necessary for the administration of the deduction 6365
allowed under division (A)(35) of section 5747.01 of the Revised 6366
Code. 6367

(E) An Ohio venture capital operating company shall provide 6368
each person with a qualifying interest in the company with a copy 6369
of the certificate issued under division (D) of this section and 6370
any other documentation necessary to compute the adjustments under 6371
division (A)(35) of section 5747.01 of the Revised Code. A 6372
pass-through entity that receives a certificate issued under this 6373
division from an Ohio venture capital operating company shall 6374
provide its investors with a copy of the certificate and any other 6375
documentation necessary to compute the adjustments under division 6376
(A)(35) of section 5747.01 of the Revised Code. 6377

A taxpayer claiming a deduction under division (A)(35)(a) of section 5747.01 of the Revised Code shall provide, upon request of the tax commissioner, a copy of that certificate. The taxpayer shall retain a copy of the certificate for four years from the later of the final filing date of the return on which the deduction was claimed or the date the return on which the deduction was claimed is filed.

(F) The director of development, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as are necessary to administer this section.

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

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

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

(1) Minority construction contractor;

(2) Minority seller;

(3) Minority service vendor.

(C) "Minority construction contractor" means a person who is both a construction contractor and an owner of a minority business enterprise certified under division (B) of section ~~123.151~~ 122.921 of the Revised Code.

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

(E) "Minority service vendor" means a person who is both a vendor of services and an owner of a minority business enterprise

listed on the special minority business enterprise bid 6407
notification list under section 125.08 of the Revised Code. 6408

(F) "Minority business enterprise" has the meaning given in 6409
section 122.71 of the Revised Code. 6410

(G) "EDGE business enterprise" means a sole proprietorship, 6411
association, partnership, corporation, limited liability 6412
corporation, or joint venture certified as a participant in the 6413
encouraging diversity, growth, and equity program by the director 6414
of administrative services under section ~~123.152~~ 122.922 of the 6415
Revised Code. 6416

Sec. 122.89. (A) The director of development ~~services~~ may 6417
execute bonds as surety for minority businesses as principals, on 6418
contracts with the state, any political subdivision or 6419
instrumentality thereof, or any person as the obligee. The 6420
director as surety may exercise all the rights and powers of a 6421
company authorized by the department of insurance to execute bonds 6422
as surety but shall not be subject to any requirements of a surety 6423
company under Title XXXIX of the Revised Code nor to any rules of 6424
the department of insurance. 6425

(B) The director, with the advice of the minority development 6426
financing advisory board, shall adopt rules under Chapter 119. of 6427
the Revised Code establishing procedures for application for 6428
surety bonds by minority businesses and for review and approval of 6429
applications. The board shall review each application in 6430
accordance with the rules and, based on the bond worthiness of 6431
each applicant, shall refer all qualified applicants to the 6432
director. Based on the recommendation of the board, the director 6433
shall determine whether or not the applicant shall receive 6434
bonding. 6435

(C) The rules of the board shall require the minority 6436
business to pay a premium in advance for the bond to be 6437

established by the director, with the advice of the board after 6438
the director receives advice from the superintendent of insurance 6439
regarding the standard market rates for premiums for similar 6440
bonds. All premiums paid by minority businesses shall be paid into 6441
the minority business bonding program administrative and loss 6442
reserve fund. 6443

(D) The rules of the board shall provide for a retainage of 6444
money paid to the minority business or EDGE business enterprise of 6445
fifteen per cent for a contract valued at more than fifty thousand 6446
dollars and for a retainage of twelve per cent for a contract 6447
valued at fifty thousand dollars or less. 6448

(E) The penal sum amounts of all outstanding bonds issued by 6449
the director shall not exceed the amount of moneys in the minority 6450
business bonding fund and available to the fund under division (B) 6451
of section 169.05 of the Revised Code. 6452

(F) The superintendent of insurance shall provide such 6453
technical and professional assistance as is considered necessary 6454
by the director, including providing advice regarding the standard 6455
market rates for bond premiums as described under division (C) of 6456
this section. 6457

(G) Notwithstanding any provision of the Revised Code to the 6458
contrary, a minority business or EDGE business enterprise may bid 6459
or enter into a contract with the state or with any 6460
instrumentality of the state without being required to provide a 6461
bond as follows: 6462

(1) For the first contract that a minority business or EDGE 6463
business enterprise enters into with the state or with any 6464
particular instrumentality of the state, the minority business or 6465
EDGE business enterprise may bid or enter into a contract valued 6466
at twenty-five thousand dollars or less without being required to 6467
provide a bond, but only if the minority business or EDGE business 6468

enterprise is participating in a qualified contractor assistance 6469
program or has successfully completed a qualified contractor 6470
assistance program after October 16, 2009; 6471

(2) After the state or any particular instrumentality of the 6472
state has accepted the first contract as completed and all 6473
subcontractors and suppliers on the contract have been paid, the 6474
minority business or EDGE business enterprise may bid or enter 6475
into a second contract with the state or with that particular 6476
instrumentality of the state valued at fifty thousand dollars or 6477
less without being required to provide a bond, but only if the 6478
minority business or EDGE business enterprise is participating in 6479
a qualified contractor assistance program or has successfully 6480
completed a qualified contractor assistance program after October 6481
16, 2009; 6482

(3) After the state or any particular instrumentality of the 6483
state has accepted the second contract as completed and all 6484
subcontractors and suppliers on the contract have been paid, the 6485
minority business or EDGE business enterprise may bid or enter 6486
into a third contract with the state or with that particular 6487
instrumentality of the state valued at one hundred thousand 6488
dollars or less without being required to provide a bond, but only 6489
if the minority business or EDGE business enterprise has 6490
successfully completed a qualified contractor assistance program 6491
after October 16, 2009; 6492

(4) After the state or any particular instrumentality of the 6493
state has accepted the third contract as completed and all 6494
subcontractors and suppliers on the contract have been paid, the 6495
minority business or EDGE business enterprise may bid or enter 6496
into a fourth contract with the state or with that particular 6497
instrumentality of the state valued at three hundred thousand 6498
dollars or less without being required to provide a bond, but only 6499
if the minority business or EDGE business enterprise has 6500

successfully completed a qualified contractor assistance program 6501
after October 16, 2009; 6502

(5) After the state or any instrumentality of the state has 6503
accepted the fourth contract as completed and all subcontractors 6504
and suppliers on the contract have been paid, upon a showing that 6505
with respect to a contract valued at four hundred thousand dollars 6506
or less with the state or with any particular instrumentality of 6507
the state, that the minority business or EDGE business enterprise 6508
either has been denied a bond by two surety companies or that the 6509
minority business or EDGE business enterprise has applied to two 6510
surety companies for a bond and, at the expiration of sixty days 6511
after making the application, has neither received nor been denied 6512
a bond, the minority business or EDGE business enterprise may 6513
repeat its participation in the unbonded state contractor program. 6514
Under no circumstances shall a minority business or EDGE business 6515
enterprise be permitted to participate in the unbonded state 6516
contractor program more than twice. 6517

(H) Notwithstanding any provision of the Revised Code to the 6518
contrary, a minority business or EDGE business enterprise may bid 6519
or enter into a contract with any political subdivision of the 6520
state or with any instrumentality of a political subdivision 6521
without being required to provide a bond as follows: 6522

(1) For the first contract that the minority business or EDGE 6523
business enterprise enters into with any particular political 6524
subdivision of the state or with any particular instrumentality of 6525
a political subdivision, the minority business or EDGE business 6526
enterprise may bid or enter into a contract valued at twenty-five 6527
thousand dollars or less without being required to provide a bond, 6528
but only if the minority business or EDGE business enterprise is 6529
participating in a qualified contractor assistance program or has 6530
successfully completed a qualified contractor assistance program 6531
after October 16, 2009; 6532

(2) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the first contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a second contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at fifty thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(3) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the second contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a third contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at one hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(4) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the third contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a fourth contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at two hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business

enterprise has successfully completed a qualified contractor 6565
assistance program after October 16, 2009; 6566

(5) After any political subdivision of the state or any 6567
instrumentality of a political subdivision has accepted the fourth 6568
contract as completed and all subcontractors and suppliers on the 6569
contract have been paid, upon a showing that with respect to a 6570
contract valued at three hundred thousand dollars or less with any 6571
political subdivision of the state or any instrumentality of a 6572
political subdivision, that the minority business or EDGE business 6573
enterprise either has been denied a bond by two surety companies 6574
or that the minority business or EDGE business enterprise has 6575
applied to two surety companies for a bond and, at the expiration 6576
of sixty days after making the application, has neither received 6577
nor been denied a bond, the minority business or EDGE business 6578
enterprise may repeat its participation in the unbonded political 6579
subdivision contractor program. Under no circumstances shall a 6580
minority business or EDGE business enterprise be permitted to 6581
participate in the unbonded political subdivision contractor 6582
program more than twice. 6583

(I) Notwithstanding any provision of the Revised Code to the 6584
contrary, if a minority business or EDGE business enterprise has 6585
entered into two or more contracts with the state or with any 6586
instrumentality of the state, the minority business or EDGE 6587
business enterprise may bid or enter into a contract with a 6588
political subdivision of the state or with any instrumentality of 6589
a political subdivision valued at the level at which the minority 6590
business or EDGE business enterprise would qualify if entering 6591
into an additional contract with the state. 6592

(J) The director of development ~~services~~ shall coordinate and 6593
oversee the unbonded state contractor program described in 6594
division (G) of this section, the unbonded political subdivision 6595
contractor program described in division (H) of this section, and 6596

the approval of a qualified contractor assistance program. The 6597
director shall prepare an annual report and submit it to the 6598
governor and the general assembly on or before the first day of 6599
August that includes the following: information on the director's 6600
activities for the preceding calendar year regarding the unbonded 6601
state contractor program, the unbonded political subdivision 6602
contractor program, and the qualified contractor assistance 6603
program; a summary and description of the operations and 6604
activities of these programs; an assessment of the achievements of 6605
these programs; and a recommendation as to whether these programs 6606
need to continue. 6607

(K) As used in this section: 6608

(1) "EDGE business enterprise" means an EDGE business 6609
enterprise certified under section ~~123.152~~ 122.922 of the Revised 6610
Code. 6611

(2) "Qualified contractor assistance program" means an 6612
educational program or technical assistance program for business 6613
development that is designed to assist a minority business or EDGE 6614
business enterprise in becoming eligible for bonding and has been 6615
approved by the director of development ~~services~~ for use as 6616
required under this section. 6617

(3) "Successfully completed a qualified contractor assistance 6618
program" means the minority business or EDGE business enterprise 6619
completed such a program on or after October 16, 2009. 6620

(4) "Unbonded state contractor program" means the program 6621
described in division (G) of this section. 6622

(5) "Unbonded political subdivision contractor program" means 6623
the program described in division (H) of this section. 6624

Sec. 122.90. (A) The director of development may guarantee 6625
bonds executed by sureties for minority businesses and EDGE 6626

business enterprises certified under section ~~123.152~~ 122.922 of 6627
the Revised Code as principals on contracts with the state, any 6628
political subdivision or instrumentality, or any person as the 6629
obligee. The director, as guarantor, may exercise all the rights 6630
and powers of a company authorized by the department of insurance 6631
to guarantee bonds under Chapter 3929. of the Revised Code but 6632
otherwise is not subject to any laws related to a guaranty company 6633
under Title XXXIX of the Revised Code nor to any rules of the 6634
department of insurance. 6635

(B) The director shall adopt rules under Chapter 119. of the 6636
Revised Code to establish procedures for the application for bond 6637
guarantees and the review and approval of applications for bond 6638
guarantees submitted by sureties that execute bonds eligible for 6639
guarantees under division (A) of this section. 6640

(C) In accordance with rules adopted pursuant to this 6641
section, the director may guarantee up to ninety per cent of the 6642
loss incurred and paid by sureties on bonds guaranteed under 6643
division (A) of this section. 6644

(D) The penal sum amounts of all outstanding guarantees made 6645
by the director under this section shall not exceed three times 6646
the difference between the amount of moneys in the minority 6647
business bonding fund and available to the fund under division (B) 6648
of section 169.05 of the Revised Code and the amount of all 6649
outstanding bonds issued by the director in accordance with 6650
division (A) of section 122.89 of the Revised Code. 6651

(E) The director of development, with controlling board 6652
approval, may approve one application per fiscal year from each 6653
surety bond company for bond guarantees in an amount requested to 6654
support one fiscal year of that company's activity under this 6655
section. A surety bond company that applies for a bond guarantee 6656
under this division, whether or not the guarantee is approved, is 6657

not restricted from also applying for individual bond guarantees 6658
under division (A) of this section. 6659

Sec. 122.92. There is hereby created in the department of 6660
development a minority business development division. The division 6661
shall do all of the following: 6662

(A) Provide technical, managerial, and counseling services 6663
and assistance to minority business enterprises; 6664

(B) Provide procurement and bid packaging assistance to 6665
minority business enterprises; 6666

(C) Provide bonding technical assistance to minority business 6667
enterprises; 6668

(D) Participate with other state departments and agencies as 6669
appropriate in developing specific plans and specific program 6670
goals for programs to assist in the establishment and development 6671
of minority business enterprises and establish regular performance 6672
monitoring and reporting systems to ensure that those goals are 6673
being achieved; 6674

(E) Implement state law and policy supporting minority 6675
business enterprise development, and assist in the coordination of 6676
plans, programs, and operations of state government which affect 6677
or may contribute to the establishment, preservation, and 6678
strengthening of minority business enterprises; 6679

(F) Assist in the coordination of activities and resources of 6680
state agencies and local governments, business and trade 6681
associations, universities, foundations, professional 6682
organizations, and volunteer and other groups, to promote the 6683
growth of minority business enterprises; 6684

(G) Establish a center for the development, collection, and 6685
dissemination of information that will be helpful to persons in 6686
establishing or expanding minority business enterprises in this 6687

state;	6688
(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;	6689 6690 6691
(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority business enterprise programs to ensure consistency with program goals and to preclude duplication of efforts by other state agencies;	6692 6693 6694 6695 6696
(J) Recommend appropriate legislative or executive actions to enhance minority business enterprise opportunities in the state;	6697 6698
(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;	6699 6700 6701 6702
(L) Assist minority business enterprises in contract procurement from government and commercial sources;	6703 6704
(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;	6705 6706 6707 6708
(N) Establish procedures to identify persons who have been economically disadvantaged;	6709 6710
(O) Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the entities or corporations focus on business, technical, and financial assistance to minority business enterprises to assist the enterprises with fixed asset financing;	6711 6712 6713 6714 6715 6716
(P) <u>Implement the minority business enterprise program</u>	6717

described in section 122.921 of the Revised Code, the encouraging 6718
diversity, growth, and equity program described in section 122.922 6719
of the Revised Code, the women-owned business enterprise program 6720
described in section 122.924 of the Revised Code, and the 6721
veteran-friendly business enterprise program described in section 6722
122.925 of the Revised Code. 6723

(Q) Do all acts and things necessary or proper to carry out 6724
the powers expressly granted and duties imposed by sections 122.92 6725
to 122.94 of the Revised Code. 6726

~~Sec. 123.151.~~ Sec. 122.921. (A) As used in this section, 6727
"minority business enterprise" has the same meaning as in division 6728
(E)(1) of section 122.71 of the Revised Code. 6729

(B)(1) The director of ~~administrative services~~ development 6730
shall make rules in accordance with Chapter 119. of the Revised 6731
Code establishing procedures by which minority businesses may 6732
apply to the ~~equal employment opportunity coordinator~~ department 6733
of development for certification as minority business enterprises. 6734

(2) The ~~coordinator~~ director shall approve the application of 6735
any minority business enterprise that complies with the rules 6736
adopted under this division. Any person adversely affected by an 6737
order of the ~~coordinator~~ director denying certification as a 6738
minority business enterprise may appeal as provided in Chapter 6739
119. of the Revised Code. The ~~coordinator~~ director shall prepare 6740
and maintain a list of certified minority business enterprises. 6741

(C) ~~The department of administrative services, every other~~ 6742
Every state agency authorized to enter into contracts for 6743
construction or contracts for purchases of equipment, materials, 6744
supplies, insurance, or services, and every port authority shall 6745
file a report every ninety days with the ~~equal employment~~ 6746
~~opportunity coordinator~~ department of development. The report 6747
shall be filed at a time and in a form prescribed by the 6748

~~coordinator~~ director of development. The report shall include the 6749
name of each minority business enterprise that the state agency or 6750
port authority entered into a contract with during the preceding 6751
ninety-day period and the total value and type of each such 6752
contract. No later than thirty days after the end of each fiscal 6753
year, the ~~coordinator~~director shall notify in writing each state 6754
agency and port authority that has not complied with the reporting 6755
requirements of this division for the prior fiscal year. A copy of 6756
this notification regarding a state agency shall be submitted to 6757
the director of budget and management. No later than thirty days 6758
after the notification, the state agency or port authority shall 6759
submit to the ~~coordinator~~ director the information necessary to 6760
comply with the reporting requirements of this division. 6761

If, after the expiration of this thirty-day period, a state 6762
agency has not complied with the reporting requirements of this 6763
division, the ~~coordinator~~ director of development shall certify to 6764
the director of budget and management that the state agency has 6765
not complied with the reporting requirements. A copy of this 6766
certification shall be submitted to the state agency. Thereafter, 6767
no funds of the state agency shall be expended during the fiscal 6768
year for construction or purchases of equipment, materials, 6769
supplies, contracts of insurance, or services until the 6770
~~coordinator~~ director of development certifies to the director of 6771
budget and management that the state agency has complied with the 6772
reporting requirements of this division for the prior fiscal year. 6773

If any port authority has not complied with the reporting 6774
requirement after the expiration of the thirty-day period, the 6775
~~coordinator~~ director of development shall certify to the speaker 6776
of the house of representatives and the president of the senate 6777
that the port authority has not complied with the reporting 6778
requirements of this division. A copy of this certification shall 6779
be submitted to the port authority. Upon receipt of the 6780

certification, the speaker of the house of representatives and the 6781
president of the senate shall take such action or make such 6782
recommendations to the members of the general assembly as they 6783
consider necessary to correct the situation. 6784

~~Sec. 123.152.~~ Sec. 122.922. (A) As used in this section, 6785
"EDGE business enterprise" means a sole proprietorship, 6786
association, partnership, corporation, limited liability 6787
corporation, or joint venture certified as a participant in the 6788
encouraging diversity, growth, and equity program by the director 6789
of ~~administrative services~~ development under this section of the 6790
Revised Code. 6791

(B) The director of ~~administrative services~~ development shall 6792
establish a business assistance program known as the encouraging 6793
diversity, growth, and equity program and shall adopt rules in 6794
accordance with Chapter 119. of the Revised Code to administer the 6795
program that do all of the following: 6796

(1) Establish procedures by which a sole proprietorship, 6797
association, partnership, corporation, limited liability 6798
corporation, or joint venture may apply for certification as an 6799
EDGE business enterprise; 6800

(2) Except as provided in division (B)(14) of this section, 6801
establish agency procurement goals for contracting with EDGE 6802
business enterprises in the award of contracts under Chapters 6803
123., 125., and 153. of the Revised Code based on the availability 6804
of eligible program participants by region or geographic area, as 6805
determined by the director, and by standard industrial code or 6806
equivalent code classification. 6807

(a) Goals established under division (B)(2) of this section 6808
shall be based on a percentage level of participation and a 6809
percentage of contractor availability. 6810

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services.

(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic disadvantage based on the following, as determined to be sufficient by the director:

(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;

(b) Social disadvantage based on any of the following:

(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;

(ii) Some other demonstration of personal disadvantage not common to other small businesses;

(iii) By business location in a qualified census tract.

(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.

(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;

(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	6841 6842 6843 6844
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	6845 6846 6847 6848
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	6849 6850 6851
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	6852 6853
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	6854 6855 6856
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	6857 6858 6859
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	6860 6861 6862
(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;	6863 6864 6865 6866
(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;	6867 6868 6869 6870

(14) Establish guidelines for state universities as defined 6871
in section 3345.011 of the Revised Code and the Ohio facilities 6872
construction commission created in section 123.20 of the Revised 6873
Code for awarding contracts pursuant to Chapters 153., 3318., and 6874
3345. of the Revised Code to allow the universities and commission 6875
to establish agency procurement goals for contracting with EDGE 6876
business enterprises. 6877

(C) Business and personal financial information and trade 6878
secrets submitted by encouraging diversity, growth, and equity 6879
program applicants to the director pursuant to this section are 6880
not public records for purposes of section 149.43 of the Revised 6881
Code, unless the director presents the financial information or 6882
trade secrets at a public hearing or public proceeding regarding 6883
the applicant's eligibility to participate in the program. 6884

~~Sec. 123.153.~~ Sec. 122.923. (A) As used in this section: 6885

(1) "Minority business enterprise" has the same meaning as in 6886
section ~~123.151~~ 122.921 of the Revised Code. 6887

(2) "EDGE business enterprise" has the same meaning as in 6888
section ~~123.152~~ 122.922 of the Revised Code. 6889

(3) "Women-owned business enterprise" has the same meaning as 6890
in section ~~123.154~~ 122.924 of the Revised Code. 6891

"Veteran-friendly business enterprise" has the same meaning 6892
as in section 122.925 of the Revised Code. 6893

(B) Not later than the first day of October in each year, the 6894
director of ~~administrative services~~ development shall submit a 6895
written report to the governor and to each member of the general 6896
assembly describing the progress made by state agencies in 6897
advancing the minority business enterprise program, the 6898
encouraging diversity, growth, and equity program, ~~and~~ the 6899
women-owned business enterprise program, and the veteran-friendly 6900

business enterprise program. The report shall highlight the 6901
initiatives implemented to encourage participation of 6902
minority-owned, socially and economically disadvantaged, ~~and~~ 6903
women-owned businesses, and veteran-friendly businesses in 6904
programs funded by state money or federal money received by the 6905
state. The report shall also include the total number of 6906
procurement contracts each agency has entered into with certified 6907
minority business enterprises, EDGE business enterprises, ~~and~~ 6908
women-owned business enterprises, and veteran-friendly business 6909
enterprises. 6910

~~Sec. 123.154.~~ Sec. 122.924. (A) As used in this section: 6911

"Women-owned business enterprise" means any individual, 6912
partnership, corporation, or joint venture of any kind that is 6913
owned and controlled by women who are United States citizens and 6914
residents of this state or of a reciprocal state. 6915

"Owned and controlled" means that at least fifty-one per cent 6916
of the business, including corporate stock if it is a corporation, 6917
is owned by women and that such owners have control over the 6918
day-to-day operations of the business and an interest in the 6919
capital, assets, and profits and losses of the business 6920
proportionate to their percentage of ownership. In order to 6921
qualify as a women-owned business, a business shall have been 6922
owned by such owners at least one year. 6923

(B) The director of ~~administrative services~~development shall 6924
establish a business assistance program known as the women-owned 6925
business enterprise program and shall adopt rules in accordance 6926
with Chapter 119. of the Revised Code to administer the program 6927
that do all of the following: 6928

(1) Establish procedures by which a business enterprise may 6929
apply for certification as a women-owned business enterprise; 6930

(2) Establish standards to determine when a women-owned business enterprise no longer qualifies for women-owned business enterprise certification;	6931 6932 6933
(3) Establish a system to make publicly available a list of women-owned business enterprises certified under this section;	6934 6935
(4) Establish a process to mediate complaints and to review women-owned business enterprise certification appeals;	6936 6937
(5) Implement an outreach program to educate potential participants about the women-owned business enterprise program;	6938 6939
(6) Establish a system to assist state agencies in identifying and utilizing women-owned business enterprises in their contracting processes;	6940 6941 6942
(7) Implement a system of self-reporting by women-owned business enterprises as well as an on-site inspection process to validate the qualifications of women-owned business enterprises.	6943 6944 6945
(C) Business and personal financial information and trade secrets submitted by women-owned business enterprise applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program.	6946 6947 6948 6949 6950 6951 6952
(D) The director of administrative services <u>development</u> , upon approval of the attorney general, may enter into a reciprocal agreement with the appropriate officials of one or more states, when the other state has a business assistance program or programs substantially similar to the women-owned business enterprise program of this state. The agreement shall provide that a business certified by the other state as a women-owned business enterprise, which is owned and controlled by a resident or residents of that other state, shall be considered a women-owned business enterprise	6953 6954 6955 6956 6957 6958 6959 6960 6961

in this state under this section. The agreement shall provide that 6962
a women-owned business enterprise certified under this section, 6963
which is owned and controlled by a resident or residents of this 6964
state, shall be considered certified in the other state and 6965
eligible for programs of that state that provide an advantage or 6966
benefit to such businesses. 6967

~~Sec. 9.318.~~ Sec. 122.925. (A) As used in this section: 6968

"Armed forces" means the armed forces of the United States, 6969
including the army, navy, air force, marine corps, coast guard, or 6970
any reserve component of those forces; the national guard of any 6971
state; the commissioned corps of the United States public health 6972
service; the merchant marine service during wartime; such other 6973
service as may be designated by congress; and the Ohio organized 6974
militia when engaged in full-time national guard duty for a period 6975
of more than thirty days. 6976

"State agency" has the meaning defined in section 1.60 of the 6977
Revised Code. 6978

"Veteran" means any person who has completed service in the 6979
armed forces, including the national guard of any state, or a 6980
reserve component of the armed forces, who has been honorably 6981
discharged or discharged under honorable conditions from the armed 6982
forces or who has been transferred to the reserve with evidence of 6983
satisfactory service. 6984

"Veteran-friendly business enterprise" means a sole 6985
proprietorship, association, partnership, corporation, limited 6986
liability company, or joint venture that meets veteran employment 6987
standards established by the director of ~~administrative~~ 6988
~~services~~development and the director of transportation under this 6989
section. 6990

(B) The director of ~~administrative services~~development and 6991

the director of transportation shall establish and maintain the 6992
veteran-friendly business procurement program. The director of 6993
~~administrative services~~development shall adopt rules to administer 6994
the program for all state agencies except the department of 6995
transportation, and the director of transportation shall adopt 6996
rules to administer the program for the department of 6997
transportation. The rules shall be adopted under Chapter 119. of 6998
the Revised Code. The rules, as adopted separately by but with the 6999
greatest degree of consistency possible between the two directors, 7000
shall do all of the following: 7001

(1) Establish criteria, based on the percentage of an 7002
applicant's employees who are veterans, that qualifies an 7003
applicant for certification as a veteran-friendly business 7004
enterprise; 7005

(2) Establish procedures by which a sole proprietorship, 7006
association, partnership, corporation, limited liability company, 7007
or joint venture may apply for certification as a veteran-friendly 7008
business enterprise; 7009

(3) Establish procedures for certifying a sole 7010
proprietorship, association, partnership, corporation, limited 7011
liability company, or joint venture as a veteran-friendly business 7012
enterprise; 7013

(4) Establish standards for determining when a 7014
veteran-friendly business enterprise no longer qualifies for 7015
certification as a veteran-friendly business enterprise; 7016

(5) Establish procedures, to be used by state agencies or the 7017
department of transportation, for the evaluation and ranking of 7018
proposals, which provide preference or bonus points to each 7019
certified veteran-friendly business enterprise that submits a bid 7020
or other proposal for a contract with the state or an agency of 7021
the state other than the department of transportation, or with the 7022

department of transportation, for the rendering of services, or 7023
the supplying of materials, or for the construction, demolition, 7024
alteration, repair, or reconstruction of any public building, 7025
structure, highway, or other improvement; 7026

(6) Implement an outreach program to educate potential 7027
participants about the veteran-friendly business procurement 7028
program; and 7029

(7) Establish a process for monitoring overall performance of 7030
the veteran-friendly business procurement program. 7031

Sec. 123.01. (A) The department of administrative services, 7032
in addition to those powers enumerated in Chapters 124. and 125. 7033
of the Revised Code and provided elsewhere by law, shall exercise 7034
the following powers: 7035

(1) To prepare and suggest comprehensive plans for the 7036
development of grounds and buildings under the control of a state 7037
agency; 7038

(2) To acquire, by purchase, gift, devise, lease, or grant, 7039
all real estate required by a state agency, in the exercise of 7040
which power the department may exercise the power of eminent 7041
domain, in the manner provided by sections 163.01 to 163.22 of the 7042
Revised Code; 7043

(3) To erect, supervise, and maintain all public monuments 7044
and memorials erected by the state, except where the supervision 7045
and maintenance is otherwise provided by law; 7046

(4) To procure, by lease, storage accommodations for a state 7047
agency; 7048

(5) To lease or grant easements or licenses for unproductive 7049
and unused lands or other property under the control of a state 7050
agency. Such leases, easements, or licenses may be granted to any 7051
person or entity, shall be for a period not to exceed fifteen 7052

years, unless a longer period is authorized by division (A)(5) of 7053
this section, and shall be executed for the state by the director 7054
of administrative services, ~~provided that the~~. The director shall 7055
grant leases, easements, or licenses of university land for 7056
periods not to exceed twenty-five years for purposes approved by 7057
the respective university's board of trustees wherein the uses are 7058
compatible with the uses and needs of the university and may grant 7059
leases of university land for periods not to exceed forty years 7060
for purposes approved by the respective university's board of 7061
trustees pursuant to section 123.17 of the Revised Code. The 7062
director may grant perpetual easements to public utilities, as 7063
defined in section 4905.02 of the Revised Code or described in 7064
section 4905.03 of the Revised Code. 7065

(6) To lease space for the use of a state agency; 7066

(7) To have general supervision and care of the storerooms, 7067
offices, and buildings leased for the use of a state agency; 7068

(8) To exercise general custodial care of all real property 7069
of the state; 7070

(9) To assign and group together state offices in any city in 7071
the state and to establish, in cooperation with the state agencies 7072
involved, rules governing space requirements for office or storage 7073
use; 7074

(10) To lease for a period not to exceed forty years, 7075
pursuant to a contract providing for the construction thereof 7076
under a lease-purchase plan, buildings, structures, and other 7077
improvements for any public purpose, and, in conjunction 7078
therewith, to grant leases, easements, or licenses for lands under 7079
the control of a state agency for a period not to exceed forty 7080
years. The lease-purchase plan shall provide that at the end of 7081
the lease period, the buildings, structures, and related 7082
improvements, together with the land on which they are situated, 7083

shall become the property of the state without cost. 7084

(a) Whenever any building, structure, or other improvement is 7085
to be so leased by a state agency, the department shall retain 7086
either basic plans, specifications, bills of materials, and 7087
estimates of cost with sufficient detail to afford bidders all 7088
needed information or, alternatively, all of the following plans, 7089
details, bills of materials, and specifications: 7090

(i) Full and accurate plans suitable for the use of mechanics 7091
and other builders in the improvement; 7092

(ii) Details to scale and full sized, so drawn and 7093
represented as to be easily understood; 7094

(iii) Accurate bills showing the exact quantity of different 7095
kinds of material necessary to the construction; 7096

(iv) Definite and complete specifications of the work to be 7097
performed, together with such directions as will enable a 7098
competent mechanic or other builder to carry them out and afford 7099
bidders all needed information; 7100

(v) A full and accurate estimate of each item of expense and 7101
of the aggregate cost thereof. 7102

(b) The department shall give public notice, in such 7103
newspaper, in such form, and with such phraseology as the director 7104
of administrative services prescribes, published once each week 7105
for four consecutive weeks, of the time when and place where bids 7106
will be received for entering into an agreement to lease to a 7107
state agency a building, structure, or other improvement. The last 7108
publication shall be at least eight days preceding the day for 7109
opening the bids. The bids shall contain the terms upon which the 7110
builder would propose to lease the building, structure, or other 7111
improvement to the state agency. The form of the bid approved by 7112
the department shall be used, and a bid is invalid and shall not 7113
be considered unless that form is used without change, alteration, 7114

or addition. Before submitting bids pursuant to this section, any 7115
builder shall comply with Chapter 153. of the Revised Code. 7116

(c) On the day and at the place named for receiving bids for 7117
entering into lease agreements with a state agency, the director 7118
of administrative services shall open the bids and shall publicly 7119
proceed immediately to tabulate the bids upon duplicate sheets. No 7120
lease agreement shall be entered into until the bureau of workers' 7121
compensation has certified that the person to be awarded the lease 7122
agreement has complied with Chapter 4123. of the Revised Code, 7123
until, if the builder submitting the lowest and best bid is a 7124
foreign corporation, the secretary of state has certified that the 7125
corporation is authorized to do business in this state, until, if 7126
the builder submitting the lowest and best bid is a person 7127
nonresident of this state, the person has filed with the secretary 7128
of state a power of attorney designating the secretary of state as 7129
its agent for the purpose of accepting service of summons in any 7130
action brought under Chapter 4123. of the Revised Code, and until 7131
the agreement is submitted to the attorney general and the 7132
attorney general's approval is certified thereon. Within thirty 7133
days after the day on which the bids are received, the department 7134
shall investigate the bids received and shall determine that the 7135
bureau and the secretary of state have made the certifications 7136
required by this section of the builder who has submitted the 7137
lowest and best bid. Within ten days of the completion of the 7138
investigation of the bids, the department shall award the lease 7139
agreement to the builder who has submitted the lowest and best bid 7140
and who has been certified by the bureau and secretary of state as 7141
required by this section. If bidding for the lease agreement has 7142
been conducted upon the basis of basic plans, specifications, 7143
bills of materials, and estimates of costs, upon the award to the 7144
builder the department, or the builder with the approval of the 7145
department, shall appoint an architect or engineer licensed in 7146
this state to prepare such further detailed plans, specifications, 7147

and bills of materials as are required to construct the building, 7148
structure, or improvement. The department shall adopt such rules 7149
as are necessary to give effect to this section. The department 7150
may reject any bid. Where there is reason to believe there is 7151
collusion or combination among bidders, the bids of those 7152
concerned therein shall be rejected. 7153

(11) To acquire by purchase, gift, devise, or grant and to 7154
transfer, lease, or otherwise dispose of all real property 7155
required to assist in the development of a conversion facility as 7156
defined in section 5709.30 of the Revised Code as that section 7157
existed before its repeal by Amended Substitute House Bill 95 of 7158
the 125th general assembly; 7159

(12) To lease for a period not to exceed forty years, 7160
notwithstanding any other division of this section, the 7161
state-owned property located at 408-450 East Town Street, 7162
Columbus, Ohio, formerly the state school for the deaf, to a 7163
developer in accordance with this section. "Developer," as used in 7164
this section, has the same meaning as in section 123.77 of the 7165
Revised Code. 7166

Such a lease shall be for the purpose of development of the 7167
land for use by senior citizens by constructing, altering, 7168
renovating, repairing, expanding, and improving the site as it 7169
existed on June 25, 1982. A developer desiring to lease the land 7170
shall prepare for submission to the department a plan for 7171
development. Plans shall include provisions for roads, sewers, 7172
water lines, waste disposal, water supply, and similar matters to 7173
meet the requirements of state and local laws. The plans shall 7174
also include provision for protection of the property by insurance 7175
or otherwise, and plans for financing the development, and shall 7176
set forth details of the developer's financial responsibility. 7177

The department may employ, as employees or consultants, 7178
persons needed to assist in reviewing the development plans. Those 7179

persons may include attorneys, financial experts, engineers, and 7180
other necessary experts. The department shall review the 7181
development plans and may enter into a lease if it finds all of 7182
the following: 7183

(a) The best interests of the state will be promoted by 7184
entering into a lease with the developer; 7185

(b) The development plans are satisfactory; 7186

(c) The developer has established the developer's financial 7187
responsibility and satisfactory plans for financing the 7188
development. 7189

The lease shall contain a provision that construction or 7190
renovation of the buildings, roads, structures, and other 7191
necessary facilities shall begin within one year after the date of 7192
the lease and shall proceed according to a schedule agreed to 7193
between the department and the developer or the lease will be 7194
terminated. The lease shall contain such conditions and 7195
stipulations as the director considers necessary to preserve the 7196
best interest of the state. Moneys received by the state pursuant 7197
to this lease shall be paid into the general revenue fund. The 7198
lease shall provide that at the end of the lease period the 7199
buildings, structures, and related improvements shall become the 7200
property of the state without cost. 7201

(13) To manage the use of space owned and controlled by the 7202
department by doing all of the following: 7203

(a) Biennially implementing, by state agency location, a 7204
census of agency employees assigned space; 7205

(b) Periodically in the discretion of the director of 7206
administrative services: 7207

(i) Requiring each state agency to categorize the use of 7208
space allotted to the agency between office space, common areas, 7209

storage space, and other uses, and to report its findings to the 7210
department; 7211

(ii) Creating and updating a master space utilization plan 7212
for all space allotted to state agencies. The plan shall 7213
incorporate space utilization metrics. 7214

(iii) Conducting a cost-benefit analysis to determine the 7215
effectiveness of state-owned buildings; 7216

(iv) Assessing the alternatives associated with consolidating 7217
the commercial leases for buildings located in Columbus. 7218

(c) Commissioning a comprehensive space utilization and 7219
capacity study in order to determine the feasibility of 7220
consolidating existing commercially leased space used by state 7221
agencies into a new state-owned facility. 7222

(14) To adopt rules to ensure that energy efficiency and 7223
conservation is considered in the purchase of products and 7224
equipment, except motor vehicles, by any state agency, department, 7225
division, bureau, office, unit, board, commission, authority, 7226
quasi-governmental entity, or institution. The department may 7227
require minimum energy efficiency standards for purchased products 7228
and equipment based on federal testing and labeling if available 7229
or on standards developed by the department. When possible, the 7230
rules shall apply to the competitive selection of energy consuming 7231
systems, components, and equipment under Chapter 125. of the 7232
Revised Code. 7233

(15) To ensure energy efficient and energy conserving 7234
purchasing practices by doing all of the following: 7235

(a) Identifying available energy efficiency and conservation 7236
opportunities; 7237

(b) Providing for interchange of information among purchasing 7238
agencies; 7239

(c) Identifying laws, policies, rules, and procedures that should be modified;	7240 7241
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	7242 7243 7244 7245 7246
(e) Providing technical assistance and training to state employees involved in the purchasing process;	7247 7248
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	7249 7250 7251 7252
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.	7253 7254 7255 7256 7257 7258 7259 7260 7261 7262 7263 7264 7265
Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year,	7266 7267 7268 7269 7270

except for those passenger vehicles acquired for use in law 7271
enforcement or emergency rescue work, by a sum of terms, each of 7272
which is a fraction created by dividing the number of passenger 7273
vehicles of a given make, model, and year, except for passenger 7274
vehicles acquired for use in law enforcement or emergency rescue 7275
work, acquired during the fiscal year by the fuel economy measured 7276
by the administrator of the United States environmental protection 7277
agency, for the given make, model, and year of vehicle, that 7278
constitutes an average fuel economy for combined city and highway 7279
driving. 7280

As used in division (A)(16) of this section, "acquired" means 7281
leased for a period of sixty continuous days or more, or 7282
purchased. 7283

(17) To correct legal descriptions or title defects, or 7284
release fractional interests in real property, as necessary to 7285
cure title clouds reflected in public records, including those 7286
resulting from boundary disputes, ingress or egress issues, title 7287
transfers precipitated through retirement of bond requirements, 7288
and the retention of fractional interests in real estate otherwise 7289
disposed of in previous title transfers. 7290

(18) To, with controlling board approval, sell, transfer, or 7291
otherwise dispose of all right, title, and interest in any 7292
state-owned real property having a fair market value that is less 7293
than one million dollars at the time of disposition. 7294

(a) Fair market value of property proposed for disposition 7295
pursuant to division (A)(18) of this section shall be established 7296
by using best management or other relevant practices through a 7297
method considered reasonable, applicable, and appropriate by the 7298
director of administrative services. 7299

(b) Notwithstanding any provision of law to the contrary, net 7300
proceeds from any disposition of real property made pursuant to 7301

division (A)(18) of this section shall, at the direction of the 7302
director of budget and management, be credited to a fund or funds 7303
in the state treasury, or to accounts held by a state institution 7304
of higher education for purposes to be determined by the 7305
institution. 7306

(B) This section and section 125.02 of the Revised Code shall 7307
not interfere with any of the following: 7308

(1) The power of the adjutant general to purchase military 7309
supplies, or with the custody of the adjutant general of property 7310
leased, purchased, or constructed by the state and used for 7311
military purposes, or with the functions of the adjutant general 7312
as director of state armories; 7313

(2) The power of the director of transportation in acquiring 7314
rights-of-way for the state highway system, or the leasing of 7315
lands for division or resident district offices, or the leasing of 7316
lands or buildings required in the maintenance operations of the 7317
department of transportation, or the purchase of real property for 7318
garage sites or division or resident district offices, or in 7319
preparing plans and specifications for and constructing such 7320
buildings as the director may require in the administration of the 7321
department; 7322

(3) The power of the director of public safety and the 7323
registrar of motor vehicles to purchase or lease real property and 7324
buildings to be used solely as locations to which a deputy 7325
registrar is assigned pursuant to division (B) of section 4507.011 7326
of the Revised Code and from which the deputy registrar is to 7327
conduct the deputy registrar's business, the power of the director 7328
of public safety to purchase or lease real property and buildings 7329
to be used as locations for division or district offices as 7330
required in the maintenance of operations of the department of 7331
public safety, and the power of the superintendent of the state 7332
highway patrol in the purchase or leasing of real property and 7333

buildings needed by the patrol, to negotiate the sale of real 7334
property owned by the patrol, to rent or lease real property owned 7335
or leased by the patrol, and to make or cause to be made repairs 7336
to all property owned or under the control of the patrol; 7337

(4) The power of the division of liquor control in the 7338
leasing or purchasing of retail outlets and warehouse facilities 7339
for the use of the division; 7340

(5) The power of the director of development ~~services~~ to 7341
enter into leases of real property, buildings, and office space to 7342
be used solely as locations for the state's foreign offices to 7343
carry out the purposes of section 122.05 of the Revised Code; 7344

(6) The power of the director of environmental protection to 7345
enter into environmental covenants, to grant and accept easements, 7346
or to sell property pursuant to division (G) of section 3745.01 of 7347
the Revised Code; 7348

(7) The power of the department of public safety under 7349
section 5502.01 of the Revised Code to direct security measures 7350
and operations for the Vern Riffe center and the James A. Rhodes 7351
state office tower. The department of administrative services 7352
shall implement all security measures and operations at the Vern 7353
Riffe center and the James A. Rhodes state office tower as 7354
directed by the department of public safety. 7355

(C) Purchases for, and the custody and repair of, buildings 7356
under the management and control of the capitol square review and 7357
advisory board, the opportunities for Ohioans with disabilities 7358
agency, the bureau of workers' compensation, or the departments of 7359
public safety, job and family services, mental health and 7360
addiction services, developmental disabilities, and rehabilitation 7361
and correction; buildings of educational and benevolent 7362
institutions under the management and control of boards of 7363
trustees; and purchases or leases for, and the custody and repair 7364

of, office space used for the purposes of any agency of the 7365
legislative branch of state government are not subject to the 7366
control and jurisdiction of the department of administrative 7367
services. 7368

An agency of the legislative branch of state government that 7369
uses office space in a building under the management and control 7370
of the department of administrative services may exercise the 7371
agency's authority to improve the agency's office space as 7372
authorized under this division only if, upon review, the 7373
department of administrative services concludes the proposed 7374
improvements do not adversely impact the structural integrity of 7375
the building. 7376

If an agency of the legislative branch of state government, 7377
except the capitol square review and advisory board, so requests, 7378
the agency and the director of administrative services may enter 7379
into a contract under which the department of administrative 7380
services agrees to perform any services requested by the agency 7381
that the department is authorized under this section to perform. 7382
In performing such services, the department shall not use 7383
competitive selection. As used in this division, "competitive 7384
selection" has the meaning defined in section 125.01 of the 7385
Revised Code and includes any other type of competitive process 7386
for the selection of persons producing or dealing in the services 7387
to be provided. 7388

(D) Any instrument by which real property is acquired 7389
pursuant to this section shall identify the agency of the state 7390
that has the use and benefit of the real property as specified in 7391
section 5301.012 of the Revised Code. 7392

Sec. 123.02. The director of administrative services shall be 7393
appointed superintendent of public works and shall have the care 7394
and control of the public works of the state and shall protect, 7395

maintain, and keep them in repair. 7396

Subject to the approval of the governor, the director may 7397
purchase on behalf of the state such real or personal property, 7398
rights, or privileges as are necessary, in the director's 7399
judgment, to acquire in the maintenance of the public works or 7400
their improvement. 7401

The document that evidences the vesting of any right, title, 7402
or interest in real property, other than public lands, belonging 7403
to or used by the state shall be recorded in the office of the 7404
county recorder of the county in which the property is situated. 7405
When recorded, such document and related papers shall be deposited 7406
with the director of administrative services and kept in the 7407
director of administrative services' office, except that evidence 7408
of title to highway rights-of-way shall be deposited with the 7409
director of transportation and kept in the director of 7410
transportation's office. The director of administrative services 7411
shall register the document, except title to highway 7412
rights-of-way, in a record system prepared for that purpose and 7413
open for inspection by all persons interested. 7414

Any instrument by which the state or an agency of the state 7415
acquires real property pursuant to this section shall identify the 7416
agency of the state that has the use and benefit of the real 7417
property as specified in section 5301.012 of the Revised Code. 7418

Sec. 124.136. (A) As used in this section: 7419

(1) "Fetal death" has the same meaning as in section 3705.01 7420
of the Revised Code. 7421

(2) "Stillborn" means that an infant of at least twenty weeks 7422
of gestation suffered a fetal death. 7423

(B)(1) Each permanent full-time and permanent part-time 7424
employee paid in accordance with section 124.152 of the Revised 7425

Code and each employee listed in division (B)(2), ~~(3)~~, or (4) of 7426
section 124.14 of the Revised Code who works thirty or more hours 7427
per week, and who meets the requirement of division ~~(A)(2)~~ 7428
(B)(2)(a) of this section is eligible, upon the birth, stillbirth, 7429
or adoption of a child, for a parental leave of absence and 7430
parental leave benefits under this section. Parental leave of 7431
absence shall begin on the day of the birth of a child, on the day 7432
of the delivery of a stillborn child, or on the day on which 7433
custody of a child is taken for adoption placement by the 7434
prospective parents. 7435

(2)(a) To be eligible for leave and benefits under this 7436
section, an employee must be a one of the following: 7437

(i) A parent, as listed on the birth certificate, of a newly 7438
born child ~~or the;~~ 7439

(ii) A parent, as listed on the fetal death certificate, of a 7440
stillborn child; 7441

(iii) A legal guardian of and reside in the same household as 7442
a newly adopted child. 7443

(b) Employees may elect to receive ~~two~~ five thousand dollars 7444
for adoption expenses in lieu of receiving the paid leave benefit 7445
provided under this section. Such payment may be requested upon 7446
placement of the child in the employee's home. If the child is 7447
already residing in the home, payment may be requested at the time 7448
the adoption is approved. 7449

(3) The average number of regular hours worked, which shall 7450
include all hours of holiday pay and other types of paid leave, 7451
during the three-month period immediately preceding the day 7452
parental leave of absence begins shall be used to determine 7453
eligibility and benefits under this section for part-time 7454
employees, but such benefits shall not exceed forty hours per 7455
week. If an employee has not worked for a three-month period, the 7456

number of hours for which the employee has been scheduled to work 7457
per week during the employee's period of employment shall be used 7458
to determine eligibility and benefits under this section. 7459

~~(B)~~(C) Parental leave granted under this section shall not 7460
exceed six continuous weeks, which shall include four weeks or one 7461
hundred sixty hours of paid leave for permanent full-time 7462
employees and a prorated number of hours of paid leave for 7463
permanent part-time employees. All employees granted parental 7464
leave shall serve a waiting period of fourteen days that begins on 7465
the day parental leave begins and during which they shall not 7466
receive paid leave under this section. Employees may choose to 7467
work during the waiting period. During the remaining four weeks of 7468
the leave period, employees shall receive paid leave equal to 7469
seventy per cent of their base rate of pay. All of the following 7470
apply to employees granted parental leave: 7471

(1) They remain eligible to receive all employer-paid 7472
benefits and continue to accrue all other forms of paid leave as 7473
if they were in active pay status. 7474

(2) They are ineligible to receive overtime pay, and no 7475
portion of their parental leave shall be included in calculating 7476
their overtime pay. 7477

(3) They are ineligible to receive holiday pay. A holiday 7478
occurring during the leave period shall be counted as one day of 7479
parental leave and be paid as such. 7480

~~(C)~~(D) Employees receiving parental leave may utilize 7481
available sick leave, personal leave, vacation leave, or 7482
compensatory time balances in order to be paid during the 7483
fourteen-day waiting period and to supplement the seventy per cent 7484
of their base rate of pay received during the remaining part of 7485
their parental leave period, in an amount sufficient to give them 7486
up to one hundred per cent of their pay for time on parental 7487

leave. 7488

Use of parental leave does not affect an employee's 7489
eligibility for other forms of paid leave granted under this 7490
chapter and does not prohibit an employee from taking leave under 7491
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 7492
U.S.C.A. 2601, except that parental leave shall be included in any 7493
leave time provided under that act. 7494

~~(D)~~(E) Employees receiving disability leave benefits under 7495
section 124.385 of the Revised Code prior to becoming eligible for 7496
parental leave shall continue to receive disability leave benefits 7497
for the duration of their disabling condition or as otherwise 7498
provided under the disability leave benefits program. If an 7499
employee is receiving disability leave benefits because of 7500
pregnancy and these benefits expire prior to the expiration date 7501
of any benefits the employee would have been entitled to receive 7502
under this section, the employee shall receive parental leave for 7503
such additional time without being required to serve an additional 7504
waiting period. 7505

Sec. 124.1312. (A) As used in this section: 7506

(1) "Foster caregiver" has the same meaning as in section 7507
5103.02 of the Revised Code. 7508

(2) "Kinship caregiver" has the same meaning as in section 7509
5101.85 of the Revised Code. 7510

(B) Each permanent full-time and permanent part-time employee 7511
paid in accordance with section 124.152 of the Revised Code and 7512
each employee listed in division (B)(2), (3), or (4) of section 7513
124.14 of the Revised Code who works thirty or more hours per 7514
week, and who is a foster caregiver or kinship caregiver is 7515
eligible, on placement of a child in the employee's home, to a 7516
maximum of five days of caregiver leave with full pay in a 7517

calendar year. Caregiver leave begins on the day on which the 7518
child is placed with the prospective foster caregiver or kinship 7519
caregiver. 7520

(C) The average number of regular hours worked, which shall 7521
include all hours of holiday pay and other types of paid leave, 7522
during the three-month period immediately preceding the day 7523
caregiver leave begins shall be used to determine eligibility for 7524
leave under this section for part-time employees. If an employee 7525
has not worked for a three-month period, the number of hours for 7526
which the employee has been scheduled to work per week during the 7527
employee's period of employment shall be used to determine 7528
eligibility for leave under this section. 7529

(D) Use of caregiver leave does not affect an employee's 7530
eligibility for other forms of paid leave granted under this 7531
chapter and does not prohibit an employee from taking leave under 7532
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 7533
that caregiver leave shall be included in any leave time provided 7534
under that act. 7535

(E) The director of administrative services may adopt rules 7536
in accordance with Chapter 119. of the Revised Code governing 7537
caregiver leave established under this section. 7538

Sec. 125.02. (A) The department of administrative services 7539
shall establish contracts for supplies and services, including 7540
telephone, other telecommunications, and computer services, for 7541
the use of state agencies, and may establish such contracts for 7542
the use of any political subdivision as described in division (B) 7543
of section 125.04 of the Revised Code, except for the following: 7544

- (1) The adjutant general for military supplies and services; 7545
- (2) The general assembly; 7546
- (3) The judicial branch; 7547

(4) State institutions of higher education; 7548

(5) State elected officials as set forth in section 125.041
of the Revised Code; 7549
7550

(6) The capitol square review and advisory board. 7551

The entities set forth in divisions (A)(1) to (6) of this 7552
section may request the department of administrative services' 7553
assistance in the procurement of supplies and services for their 7554
respective offices and, upon the department's approval, may 7555
participate in contracts awarded by the department. 7556

(B) For purchases under division (C) of section 125.05 of the 7557
Revised Code, the department shall grant a state agency a release 7558
and permit to make the purchase if the department determines that 7559
it is not possible or advantageous for the department to make a 7560
purchase. 7561

(C) Upon request, the department may grant a blanket release 7562
and permit to a state agency for specific purchases. The 7563
department may grant the blanket release and permit for a fiscal 7564
year or for a biennium as determined by the director of 7565
administrative services. 7566

(D) The director of administrative services shall adopt rules 7567
regarding circumstances and criteria for obtaining a release and 7568
permit under this section. The director of administrative services 7569
shall prescribe uniform rules governing forms of specifications, 7570
advertisements for proposals, the opening of bids, the making of 7571
awards and contracts, and the purchase of supplies and performance 7572
of work. 7573

(E) The director may ~~enter into~~ participate in cooperative 7574
purchasing ~~agreements to purchase supplies or services~~ with the 7575
following: 7576

(1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of 7577

this section;	7578
(2) One or more other states;	7579
(3) Groups of states;	7580
(4) The United States or any department, division, or agency of the United States;	7581 7582
(5) Other purchasing consortia;	7583
(6) The department of transportation; or	7584
(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code.	7585 7586
(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services.	7587 7588 7589 7590 7591 7592
(G) Except as provided in section 125.04 of the Revised Code, the department of administrative services shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may procure. The department shall purchase the insurance in conformity with sections 125.04 to 125.15 of the Revised Code. As used in this division, "annual premium" means the total premium for one year for one type of insurance regardless of the number of policies.	7593 7594 7595 7596 7597 7598 7599 7600 7601 7602
Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of	7603 7604 7605 7606 7607

administrative services that the purchase is not subject to a 7608
first or second requisite procurement program. State agencies 7609
shall submit a purchase request to the department of 7610
administrative services unless the department has determined the 7611
request does not require a review. The director of administrative 7612
services shall adopt rules under Chapter 119. of the Revised Code 7613
to provide for the manner of carrying out the function and the 7614
power and duties imposed upon and vested in the director by this 7615
section. 7616

(B) The following programs are first requisite procurement 7617
programs that shall be given preference in the following order in 7618
fulfilling a purchase request: 7619

(1) Ohio penal industries within the department of 7620
rehabilitation and correction; and 7621

(2) Community rehabilitation programs administered by the 7622
department of administrative services under sections 125.601 to 7623
125.6012 of the Revised Code. 7624

(C) The following programs are second requisite procurement 7625
programs that may be able to fulfill the purchase request if the 7626
first requisite procurement programs are unable to do so: 7627

(1) Business enterprise program at the opportunities for 7628
Ohioans with disabilities agency as prescribed in sections 3304.28 7629
to 3304.33 of the Revised Code; 7630

(2) Office of information technology at the department of 7631
administrative services as established in section 125.18 of the 7632
Revised Code; 7633

(3) Office of state printing and mail services at the 7634
department of administrative services as prescribed in Chapter 7635
125. of the Revised Code; 7636

(4) Ohio pharmacy services at the department of mental health 7637

and addiction services as prescribed in section 5119.44 of the Revised Code;

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

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide

the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division (E) of section 125.05, and section 127.16 of the Revised Code.

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

Sec. 125.04. (A) Except for the requirements of division (B) 7701
of this section, section 125.092, and division (B) of section 7702
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7703
to 125.15 of the Revised Code do not apply to or affect state 7704
institutions of higher education. 7705

(B)(1) As used in this division: 7706

(a) "Chartered nonpublic school" has the same meaning as in 7707
section 3310.01 of the Revised Code. 7708

(b) "Emergency medical service organization" has the same 7709
meaning as in section 4765.01 of the Revised Code. 7710

(c) "Governmental agency" means a political subdivision or 7711
special district in this state or any other state established by 7712
or under law, or any combination of these entities; the United 7713
States or any department, division, or agency of the United 7714
States; one or more other states or groups of states; other 7715
purchasing consortia; and any agency, commission, or authority 7716
established under an interstate compact or agreement. 7717

(d) "Political subdivision" means any county, township, 7718
municipal corporation, school district, conservancy district, 7719
township park district, park district created under Chapter 1545. 7720
of the Revised Code, regional transit authority, regional airport 7721
authority, regional water and sewer district, or port authority. 7722
"Political subdivision" also includes any other political 7723
subdivision described in the Revised Code that has been approved 7724
by the department of administrative services to participate in the 7725
department's contracts under this division. 7726

(e) "Private fire company" has the same meaning as in section 7727
9.60 of the Revised Code. 7728

(f) "State institution of higher education" has the meaning 7729
defined in section 3345.011 of the Revised Code. 7730

(2) Subject to division (C) of this section, the department 7731
of administrative services may permit a state institution of 7732
higher education, governmental agency, political subdivision, 7733
~~county board of elections,~~ private fire company, private, 7734
nonprofit emergency medical service organization, or chartered 7735
nonpublic school to participate in contracts into which the 7736
department has entered for the purchase of supplies and services. 7737
The department may charge the entity a reasonable fee to cover the 7738
administrative costs the department incurs as a result of 7739
participation by the entity in such a purchase contract. 7740

A political subdivision desiring to participate in such 7741
purchase contracts shall file with the department a certified copy 7742
of an ordinance or resolution of the legislative authority or 7743
governing board of the political subdivision. The resolution or 7744
ordinance shall request that the political subdivision be 7745
authorized to participate in such contracts and shall agree that 7746
the political subdivision will be bound by such terms and 7747
conditions as the department prescribes and that it will directly 7748
pay the vendor under each purchase contract. ~~A board of elections~~ 7749
~~desiring to participate in such purchase contracts shall file with~~ 7750
~~the purchasing authority a written request for inclusion in the~~ 7751
~~program.~~ A private fire company, private, nonprofit emergency 7752
medical service organization, or chartered nonpublic school 7753
desiring to participate in such purchase contracts shall file with 7754
the department a written request for inclusion in the program 7755
signed by the chief officer of the company, organization, or 7756
chartered nonpublic school. A governmental agency desiring to 7757
participate in such purchase contracts shall file with the 7758
department a written request for inclusion in the program. A state 7759
institution of higher education desiring to participate in such 7760
purchase contracts shall file with the department a certified copy 7761
of resolution of the board of trustees or similar authorizing 7762
body. The resolution shall request that the state institution of 7763

higher education be authorized to participate in such contracts. 7764

A request for inclusion shall include an agreement to be 7765
bound by such terms and conditions as the department prescribes 7766
and to make direct payments to the vendor under each purchase 7767
contract. 7768

(3) The board of elections of a county that is authorized to 7769
participate in contracts under division (B)(2) of this section may 7770
participate in contracts under that division under the same terms 7771
and conditions that apply to the county. 7772

(4) The department shall include in its annual report, an 7773
estimate of the purchases made by state institutions of higher 7774
education, governmental agencies, political subdivisions, ~~county~~ 7775
boards of elections, private fire companies, private, nonprofit 7776
emergency medical service organizations, and chartered nonpublic 7777
schools from contracts pursuant to this division. The department 7778
may require such entities to file a report with the department, as 7779
often as it finds necessary, stating how many such contracts the 7780
entities participated in within a specified period of time, and 7781
any other information the department requires. 7782

~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ 7783
board of elections under this division are exempt from any 7784
competitive selection procedures otherwise required by law. No 7785
political subdivision shall make any purchase under this division 7786
when bids have been received for such purchase by the subdivision, 7787
unless such purchase can be made upon the same terms, conditions, 7788
and specifications at a lower price under ~~this~~ division (B)(2) of 7789
this section. 7790

(C) A political subdivision as defined in division (B) of 7791
this section or a ~~county~~ board of elections may purchase supplies 7792
or services from another party, including a political subdivision, 7793
instead of through participation in contracts described in 7794

division (B) of this section if the political subdivision or 7795
~~county~~ board of elections can purchase those supplies or services 7796
from the other party upon equivalent terms, conditions, and 7797
specifications but at a lower price than it can through those 7798
contracts. Purchases that a political subdivision or ~~county~~ board 7799
of elections makes under this division are exempt from any 7800
competitive selection procedures otherwise required by law. A 7801
political subdivision or ~~county~~ board of elections that makes any 7802
purchase under this division shall maintain sufficient information 7803
regarding the purchase to verify that the political subdivision or 7804
~~county~~ board of elections satisfied the conditions for making a 7805
purchase under this division. Nothing in this division restricts 7806
any action taken by a county or township as authorized by division 7807
(B)(1) of section 9.48 of the Revised Code. 7808

(D) This section does not apply to supplies or services 7809
purchased by a state agency directly as provided in section 125.05 7810
of the Revised Code, or to purchases of supplies or services for 7811
the emergency management agency or other state agencies as 7812
provided in section 125.061 of the Revised Code. 7813

Sec. 125.05. Except as provided in division (D) or (E) of 7814
this section, no state agency shall purchase any supplies or 7815
services except as provided in divisions (A) to (C) of this 7816
section. 7817

(A) A state agency may, without competitive selection, make 7818
any purchase of supplies or services that cost less than fifty 7819
thousand dollars after complying with divisions (A) to (E) of 7820
section 125.035 of the Revised Code. The agency may make the 7821
purchase directly or may make the purchase from or through the 7822
department of administrative services, whichever the agency 7823
determines. The agency shall adopt written procedures consistent 7824
with the department's purchasing procedures and shall use those 7825

procedures when making purchases under this division. 7826

Section 127.16 of the Revised Code does not apply to 7827
purchases made under this division. 7828

(B) A state agency shall make purchases of supplies and 7829
services that cost fifty thousand dollars or more through the 7830
department of administrative services and the process provided in 7831
section 125.035 of the Revised Code, unless the department grants 7832
a waiver under ~~divisions~~ division (D) or (E) of that section and a 7833
release and permit under division (G) of that section. 7834

(C) An agency that has been granted a release and permit 7835
under division (G) of section 125.035 of the Revised Code to make 7836
a purchase may make the purchase without competitive selection if 7837
after making the purchase the cumulative purchase threshold as 7838
computed under division (E) of section 127.16 of the Revised Code 7839
would: 7840

(1) Be exceeded and the controlling board approves the 7841
purchase; 7842

(2) Not be exceeded and the department of administrative 7843
services approves the purchase. 7844

(D) If the department of education or the Ohio education 7845
computer network determines that it can purchase software services 7846
or supplies for specified school districts at a price less than 7847
the price for which the districts could purchase the same software 7848
services or supplies for themselves, the department or network 7849
shall certify that fact to the department of administrative 7850
services and, acting as an agent for the specified school 7851
districts, shall make that purchase without following the 7852
provisions in divisions (A) to (D) of this section. 7853

(E) For the purchase of personal protective equipment, when 7854
cost is less than fifty thousand dollars, a state agency shall 7855
comply with divisions (A) to (E) of section 125.035 of the Revised 7856

Code. If the purchase is not subject to the requirements of an 7857
applicable first or second requisite procurement program, the 7858
agency shall make the purchase under section 125.09 of the Revised 7859
Code. As used in this division, "personal protective equipment" 7860
means equipment worn to minimize exposure to hazards that cause 7861
workplace injuries and illnesses. 7862

Sec. 125.08. ~~(A)~~ Any person who is certified by the ~~equal~~ 7863
~~employment opportunity coordinator of the department~~ director of 7864
~~administrative services~~ development in accordance with the rules 7865
adopted under division (B)(1) of section ~~123.151~~ 122.921 of the 7866
Revised Code as a minority business enterprise may have that 7867
person's name placed on a special minority business enterprise 7868
notification list to be used in connection with contracts awarded 7869
under section 125.081 of the Revised Code. The minority business 7870
enterprise notification list shall be used for bidding on 7871
contracts set aside for minority business enterprises only. 7872

Sec. 125.081. (A) From the purchases that the department of 7873
administrative services is required by law to make through 7874
competitive selection, the director of administrative services 7875
shall select a number of such purchases, the aggregate value of 7876
which equals approximately fifteen per cent of the estimated total 7877
value of all such purchases to be made in the current fiscal year. 7878
The director shall set aside the purchases selected for 7879
competition only by minority business enterprises, as defined in 7880
division (E)(1) of section 122.71 of the Revised Code. The 7881
competitive selection procedures for such purchases set aside 7882
shall be the same as for all other purchases the department is 7883
required to make through competitive selection, except that only 7884
minority business enterprises certified by the ~~equal employment~~ 7885
~~opportunity coordinator of the department~~ director of 7886
~~administrative services~~ development in accordance with the rules 7887

adopted under division (B)(1) of section ~~123.151~~122.921 of the 7888
Revised Code and listed ~~by the director~~ under section 125.08 of 7889
the Revised Code shall be qualified to compete. 7890

(B) To the extent that any agency of the state, other than 7891
the department of administrative services, the legislative and 7892
judicial branches, boards of elections, and the adjutant general, 7893
is authorized to make purchases, the agency shall set aside a 7894
number of purchases, the aggregate value of which equals 7895
approximately fifteen per cent of the aggregate value of such 7896
purchases for the current fiscal year for competition by minority 7897
business enterprises only. The procedures for such purchases shall 7898
be the same as for all other such purchases made by the agency, 7899
except that only minority business enterprises certified by the 7900
~~equal employment opportunity coordinator~~ director of development 7901
in accordance with rules adopted under division (B)(1) of section 7902
123.151 of the Revised Code shall be qualified to compete. 7903

(C) In the case of purchases set aside under division (A) or 7904
(B) of this section, if no bid is submitted by a minority business 7905
enterprise, the purchase shall be made according to usual 7906
procedures. The contracting agency shall from time to time set 7907
aside such additional purchases for which only minority business 7908
enterprises may compete, as are necessary to replace those 7909
purchases previously set aside for which no minority business 7910
enterprises bid and to ensure that, in any fiscal year, the 7911
aggregate amount of contracts awarded to minority business 7912
enterprises will equal approximately fifteen per cent of the total 7913
amount of contracts awarded by the agency. 7914

(D) The provisions of this section shall not preclude any 7915
minority business enterprise from competing for any other state 7916
purchases that are not specifically set aside for minority 7917
business enterprises. 7918

(E) No funds of any state agency shall be expended in any 7919

fiscal year for any purchase for which competitive selection is 7920
required, until the director of the department of administrative 7921
services certifies to the ~~equal employment opportunity~~ 7922
~~coordinator~~, the clerk of the senate, and the clerk of the house 7923
of representatives of the general assembly that approximately 7924
fifteen per cent of the aggregate amount of the projected 7925
expenditure for such purchases in the fiscal year has been set 7926
aside as provided for in this section. 7927

(F) Any person who intentionally misrepresents self as 7928
owning, controlling, operating, or participating in a minority 7929
business enterprise for the purpose of obtaining contracts, 7930
subcontracts, or any other benefits under this section shall be 7931
guilty of theft by deception as provided for in section 2913.02 of 7932
the Revised Code. 7933

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 7934
125.071, and 125.072 of the Revised Code, the department of 7935
administrative services may prescribe such conditions under which 7936
competitive sealed bids, competitive sealed proposals, and bids in 7937
reverse auctions will be received and terms of the proposed 7938
purchase as it considers necessary; provided, that all such 7939
conditions and terms shall be reasonable and shall not 7940
unreasonably restrict competition, and bidders may bid and 7941
offerors may propose upon all or any item of the products, 7942
supplies, or services listed in such notice. Those bidders and 7943
offerors claiming the preference ~~for United States and Ohio~~ 7944
~~products~~ outlined in this chapter shall designate in their bids 7945
bid or offer either that the product ~~to be supplied~~ or supply is 7946
produced or mined in the United States and is either an Ohio 7947
product or that the product, supply, or service is provided by a 7948
bidder or offeror that qualifies as having a significant Ohio 7949
economic presence under the rules established by the director of 7950
administrative services ~~they qualify as having a significant Ohio~~ 7951

economic presence. 7952

(B) The department may require that each bidder or offeror 7953
provide sufficient information about the energy efficiency or 7954
energy usage of the bidder's or offeror's product, supply, or 7955
service. 7956

(C) The director of administrative services shall, by rule 7957
adopted pursuant to Chapter 119. of the Revised Code, prescribe 7958
criteria and procedures for use by all state agencies in giving 7959
preference ~~to United States and Ohio products~~ under this section 7960
as required by division (B) of section 125.11 of the Revised Code. 7961
The rules shall extend to: 7962

(1) Criteria for determining that a product is produced or 7963
mined in the United States rather than in another country or 7964
territory; 7965

(2) Criteria for determining that a product is produced or 7966
mined in Ohio; 7967

(3) Information to be submitted by bidders or offerors as to 7968
the nature of a product and the location where it is produced or 7969
mined; 7970

(4) Criteria and procedures to be used by the director to 7971
qualify bidders or offerors located in states bordering Ohio who 7972
might otherwise be excluded from being awarded a contract by 7973
operation of this section and section 125.11 of the Revised Code. 7974
The criteria and procedures shall recognize the level and 7975
regularity of interstate commerce between Ohio and the border 7976
states and provide that the non-Ohio businesses may qualify for 7977
award of a contract as long as they are located in a state that 7978
imposes no greater restrictions than are contained in this section 7979
and section 125.11 of the Revised Code upon persons located in 7980
Ohio selling products or services to agencies of that state. The 7981
criteria and procedures shall also provide that a non-Ohio 7982

business shall not bid on a contract for state printing in this 7983
state if the business is located in a state that excludes Ohio 7984
businesses from bidding on state printing contracts in that state. 7985

(5) Criteria and procedures to be used to qualify bidders and 7986
offerors whose manufactured products, except for mined products, 7987
are produced in other states or in North America, but the bidders 7988
or offerors have a significant Ohio economic presence in terms of 7989
the number of employees or capital investment a bidder or offeror 7990
has in this state. Bidders and offerors with a significant Ohio 7991
economic presence shall qualify for award of a contract on the 7992
same basis as if their products were produced in this state or as 7993
if the bidder or offeror was domiciled in this state. 7994

(6) Criteria and procedures for the director to grant waivers 7995
of the requirements of division (B) of section 125.11 of the 7996
Revised Code on a contract-by-contract basis where compliance with 7997
those requirements would result in the state agency paying an 7998
excessive price for the product or acquiring a disproportionately 7999
inferior product; 8000

(7) Such other requirements or procedures reasonably 8001
necessary to implement the system of preferences established 8002
pursuant to division (B) of section 125.11 of the Revised Code. 8003

In adopting the rules required under this division, the 8004
director shall, to the maximum extent possible, conform to the 8005
requirements of the federal "Buy America Act," 47 Stat. 1520, 8006
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 8007
adopted thereunder. 8008

Sec. 125.112. (A) As used in this section: 8009

(1) "Agency" means a department created under section 121.02 8010
of the Revised Code. 8011

(2) "Entity" means, whether for profit or nonprofit, a 8012

corporation, association, partnership, limited liability company, 8013
sole proprietorship, or other business entity. "Entity" does not 8014
include an individual who receives state assistance that is not 8015
related to the individual's business. 8016

(3)(a) "State award" means a contract awarded by the state 8017
costing over twenty-five thousand dollars. 8018

(b) "State award" does not include compensation received as 8019
an employee of the state or any state financial assistance and 8020
expenditure received from the general assembly or any legislative 8021
agency, any court or judicial agency, the secretary of state, 8022
auditor of state, treasurer of state, or attorney general and 8023
their respective offices. 8024

(B) The department of administrative services shall establish 8025
and maintain a single searchable web site, accessible by the 8026
public at no cost, that includes all of the following information 8027
for each state award: 8028

(1) The name of the entity receiving the award; 8029

(2) The amount of the award; 8030

(3) Information on the award, the agency or other 8031
instrumentality of the state that is providing the award, and the 8032
commodity code; 8033

(4) Any other relevant information determined by the 8034
department of administrative services. 8035

(C) The department of administrative services may consult 8036
with other state agencies in the development, establishment, 8037
operation, and support of the web site required by division (B) of 8038
this section. State awards shall be posted on the web site within 8039
thirty days after being made. The department of administrative 8040
services shall provide an opportunity for public comment as to the 8041
utility of the web site required by division (B) of this section 8042

and any suggested improvements. 8043

(D) The web site required by division (B) of this section 8044
shall be fully operational not later than one year after December 8045
30, 2008, and shall include information on state awards made in 8046
fiscal year 2008 and thereafter. It shall also provide an 8047
electronic link to the daily journals of the senate and house of 8048
representatives. 8049

(E) The director of administrative services shall submit to 8050
the general assembly an annual report regarding the implementation 8051
of the web site established pursuant to division (B) of this 8052
section. The report shall include data regarding the usage of the 8053
web site and any public comments on the utility of the site, 8054
including recommendations for improving data quality and 8055
collection. The director shall post each report on the web site. 8056

(F) Each agency awarding a grant to an entity in fiscal year 8057
2008 and thereafter shall establish and maintain a separate web 8058
site listing the name of the entity receiving each grant, the 8059
grant amount, information on each grant, and any other relevant 8060
information determined by the department of administrative 8061
services. Each agency shall provide the link to such a web site to 8062
the department of administrative services within a reasonable time 8063
after December 30, 2008, and shall thereafter update its web site 8064
within thirty days of awarding a new grant. Not later than one 8065
year after December 30, 2008, the department of administrative 8066
services shall establish and maintain a separate web site, 8067
accessible to the public at no cost, which contains the links to 8068
the agency web sites required by this division. 8069

~~(G) At the end of the closeout year, the attorney general 8070
shall determine the extent to which an entity has complied with 8071
the terms and conditions, including performance metrics, of a 8072
state award for economic development received by that entity. As 8073
necessary, the agency that makes and administers the state award 8074~~

~~for economic development shall assist the attorney general with 8075
that determination. The attorney general shall submit to the 8076
general assembly pursuant to section 101.68 of the Revised Code an 8077
annual report regarding the level of compliance of each such 8078
entity with the terms and conditions, including performance 8079
metrics, of their state awards for economic development. When the 8080
attorney general determines appropriate and to the extent that an 8081
entity that receives or has received a state award for economic 8082
development does not comply with a performance metric that is 8083
specified in the terms and conditions of the award, the attorney 8084
general shall pursue against and from that entity such remedies 8085
and recoveries as are available under law. For purposes of this 8086
division, "Closeout year" means the calendar year by which an 8087
entity that receives a state award for economic development must 8088
comply with a performance metric specified in the terms and 8089
conditions of the award. "State award for economic development" 8090
means state financial assistance and expenditure in any of the 8091
following forms: grants, subgrants, loans, awards, cooperative 8092
agreements, or other similar and related forms of financial 8093
assistance and contracts, subcontracts, purchase orders, task 8094
orders, delivery orders, or other similar and related 8095
transactions. "State award for economic development" does not 8096
include compensation received as an employee of the state or any 8097
state financial assistance and expenditure received from the 8098
general assembly or any legislative agency, any court or judicial 8099
agency, the secretary of state, auditor of state, treasurer of 8100
state, or attorney general and their respective offices. 8101~~

~~(H) Nothing in this section shall be construed as requiring 8102
the disclosure of information that is not a public record under 8103
section 149.43 of the Revised Code. 8104~~

Sec. 125.14. (A) The director of administrative services 8105
shall allocate any proceeds from the transfer, sale, or lease of 8106

excess and surplus supplies in the following manner: 8107

(1) Except as otherwise provided in division (A)(2) or (3) of 8108
this section, the proceeds of such a transfer, sale, or lease 8109
shall be paid into the state treasury to the credit of the 8110
investment recovery fund, which is hereby created. 8111

(2) Except as otherwise provided in division (A)(2) of this 8112
section, when supplies originally were purchased with funds from 8113
nongeneral revenue fund sources, the director shall determine what 8114
fund or account originally was used to purchase the supplies, and 8115
the credit for the proceeds from any transfer, sale, or lease of 8116
those supplies shall be transferred to that fund or account. If 8117
the director cannot determine which fund or account originally was 8118
used to purchase the supplies, if the fund or account is no longer 8119
active, or if the proceeds from the transfer, sale, or lease of a 8120
unit of supplies are less than one hundred dollars or any larger 8121
amount the director may establish with the approval of the 8122
director of budget and management, then the proceeds from the 8123
transfer, sale, or lease of such supplies shall be paid into the 8124
state treasury to the credit of the investment recovery fund. 8125

(3) In accordance with division (H)(2) of section 125.832 of 8126
the Revised Code, when vehicles originally were purchased with 8127
moneys derived from the general revenue fund, the proceeds shall 8128
be deposited, in the director's discretion, into the state 8129
treasury to the credit of either the fleet management fund created 8130
by section 125.83 of the Revised Code or to the credit of the 8131
investment recovery fund created by this section. Any such 8132
proceeds deposited into the state treasury to the credit of the 8133
investment recovery fund may be transferred from the investment 8134
recovery fund to the fleet management fund. 8135

(B) The investment recovery fund shall be used to pay for the 8136
operating expenses of the state surplus property program and of 8137
the federal surplus property program described in sections 125.84 8138

to 125.90 of the Revised Code. Any amounts in excess of these 8139
operating expenses shall periodically be transferred to the 8140
general revenue fund of the state. If proceeds paid into the 8141
investment recovery fund are insufficient to pay for the program's 8142
operating expenses, a service fee may be charged to state agencies 8143
to eliminate the deficit. 8144

(C) Proceeds from the sale of recyclable goods and materials 8145
shall be paid into the state treasury to the credit of the 8146
recycled materials fund, which is hereby created, except that the 8147
director of environmental protection, upon request, may grant an 8148
exemption from this requirement. The director shall administer the 8149
fund for the benefit of recycling programs in state agencies. 8150

Sec. 125.18. (A) There is hereby established the office of 8151
information technology within the department of administrative 8152
services. The office shall be under the supervision of a state 8153
chief information officer to be appointed by the director of 8154
administrative services and subject to removal at the pleasure of 8155
the director. The chief information officer is an assistant 8156
director of administrative services. 8157

(B) Under the direction of the director of administrative 8158
services, the state chief information officer shall lead, oversee, 8159
and direct state agency activities related to information 8160
technology development and use. In that regard, the state chief 8161
information officer shall do all of the following: 8162

(1) Coordinate and superintend statewide efforts to promote 8163
common use and development of technology by state agencies. The 8164
office of information technology shall establish policies and 8165
standards that govern and direct state agency participation in 8166
statewide programs and initiatives. 8167

(2) Coordinate with the office of procurement services to 8168
establish policies and standards for state agency acquisition of 8169

information technology supplies and services; 8170

~~(3)~~ (3) Establish policies and standards for the ~~acquisition and~~ 8171
use of common information technology by state agencies, including, 8172
but not limited to, hardware, software, technology services, and 8173
security, and the extension of the service life of information 8174
technology systems, with which state agencies shall comply; 8175

~~(3)~~ (4) Establish criteria and review processes to identify 8176
state agency information technology projects or purchases that 8177
require alignment or oversight. As appropriate, the department of 8178
administrative services shall provide the governor and the 8179
director of budget and management with notice and advice regarding 8180
the appropriate allocation of resources for those projects. The 8181
state chief information officer may require state agencies to 8182
provide, and may prescribe the form and manner by which they must 8183
provide, information to fulfill the state chief information 8184
officer's alignment and oversight role; 8185

~~(4)~~ (5) Establish policies and procedures for the security of 8186
personal information that is maintained and destroyed by state 8187
agencies; 8188

~~(5)~~ (6) Employ a chief information security officer who is 8189
responsible for the implementation of the policies and procedures 8190
described in division ~~(B)(4)~~ (B)(5) of this section and for 8191
coordinating the implementation of those policies and procedures 8192
in all of the state agencies; 8193

~~(6)~~ (7) Employ a chief privacy officer who is responsible for 8194
advising state agencies when establishing policies and procedures 8195
for the security of personal information and developing education 8196
and training programs regarding the state's security procedures; 8197

~~(7)~~ (8) Establish policies on the purchasing, use, and 8198
reimbursement for use of handheld computing and telecommunications 8199
devices by state agency employees; 8200

(8) (9) Establish policies for the reduction of printing and	8201
for the <u>increased</u> use of electronic records by state agencies;	8202
(9) (10) Establish policies for the reduction of energy	8203
consumption by state agencies;	8204
(10) (11) Compute the amount of revenue attributable to the	8205
amortization of all equipment purchases and capitalized systems	8206
from information technology service delivery and major information	8207
technology purchases, MARCS administration, enterprise	8208
applications, and the professions licensing system operating	8209
appropriation items and major computer purchases capital	8210
appropriation items that is recovered as part of the information	8211
technology services rates the department of administrative	8212
services charges and deposits into the information technology fund	8213
created in section 125.15 of the Revised Code, the user fees the	8214
department of administrative services charges and deposits in the	8215
MARCS administration fund created in section 4501.29 of the	8216
Revised Code, the rates the department of administrative services	8217
charges to benefiting agencies for the operation and management of	8218
information technology applications and deposits in the enterprise	8219
applications fund, and the rates the department of administrative	8220
services charges for the cost of ongoing maintenance of the	8221
professions licensing system and deposits in the professions	8222
licensing system fund. The enterprise applications fund is hereby	8223
created in the state treasury.	8224
(11) (12) Regularly review and make recommendations regarding	8225
improving the infrastructure of the state's cybersecurity	8226
operations with existing resources and through partnerships	8227
between government, business, and institutions of higher	8228
education;	8229
(12) (13) Assist, as needed, with general state efforts to	8230
grow the cybersecurity industry in this state.	8231

(C)(1) The chief information security officer shall assist 8232
each state agency with the development of an information 8233
technology security strategic plan and review that plan, and each 8234
state agency shall submit that plan to the state chief information 8235
officer. The chief information security officer may require that 8236
each state agency update its information technology security 8237
strategic plan annually as determined by the state chief 8238
information officer. 8239

(2) Prior to the implementation of any information technology 8240
data system, a state agency shall prepare or have prepared a 8241
privacy impact statement for that system. 8242

(D) When a state agency requests a purchase of information 8243
technology supplies or services under Chapter 125. of the Revised 8244
Code, the state chief information officer may review and reject 8245
the requested purchase for noncompliance with information 8246
technology direction, plans, policies, standards, or 8247
project-alignment criteria. 8248

(E) The office of information technology may operate 8249
technology services for state agencies in accordance with this 8250
chapter. 8251

Notwithstanding any provision of the Revised Code to the 8252
contrary, the office of information technology may assess a 8253
transaction fee on each license or registration issued as part of 8254
an electronic licensing system operated by the office in an amount 8255
determined by the office not to exceed three dollars and fifty 8256
cents. The transaction fee shall apply to all transactions, 8257
regardless of form, that immediately precede the issuance, 8258
renewal, reinstatement, reactivation of, or other activity that 8259
results in, a license or registration to operate as a regulated 8260
professional or entity. Each license or registration is a separate 8261
transaction to which a fee under this division applies. 8262
Notwithstanding any provision of the Revised Code to the contrary, 8263

if a fee is assessed under this section, no agency, board, or 8264
commission shall issue a license or registration unless a fee 8265
required by this division has been received. The director of 8266
administrative services may collect the fee or require a state 8267
agency, board, or commission for which the system is being 8268
operated to collect the fee. Amounts received under this division 8269
shall be deposited in or transferred to the professions licensing 8270
system fund created in division ~~(I)~~ (H) of this section. 8271

(F) With the approval of the director of administrative 8272
services, the office of information technology may establish 8273
cooperative agreements with federal and local government agencies 8274
and state agencies that are not under the authority of the 8275
governor for the provision of technology services and the 8276
development of technology projects. 8277

(G) The office of information technology may operate a 8278
program to make information technology purchases. The director of 8279
administrative services may recover the cost of operating the 8280
program from all participating government entities by issuing 8281
intrastate transfer voucher billings for the procured technology 8282
or through any pass-through billing method agreed to by the 8283
director of administrative services, the director of budget and 8284
management, and the participating government entities that will 8285
receive the procured technology. 8286

If the director of administrative services chooses to recover 8287
the program costs through intrastate transfer voucher billings, 8288
the participating government entities shall process the intrastate 8289
transfer vouchers to pay for the cost. Amounts received under this 8290
section for the information technology purchase program shall be 8291
deposited to the credit of the information technology governance 8292
fund created in section 125.15 of the Revised Code. 8293

(H) Upon request from the director of administrative 8294
services, the director of budget and management may transfer cash 8295

from the information technology fund created in section 125.15 of 8296
the Revised Code, the MARCS administration fund created in section 8297
4501.29 of the Revised Code, the enterprise applications fund 8298
created in division ~~(B)(10)~~ (B)(11) of this section, or the 8299
professions licensing system fund created in division (I) of this 8300
section to the major information technology purchases fund in an 8301
amount not to exceed the amount computed under division ~~(B)(10)~~ 8302
(B)(11) of this section. The major information technology 8303
purchases fund is hereby created in the state treasury. 8304

(I) There is hereby created in the state treasury the 8305
professions licensing system fund. The fund shall be used to 8306
operate the electronic licensing system referenced in division (E) 8307
of this section. 8308

(J) As used in this section: 8309

(1) "Personal information" has the same meaning as in section 8310
149.45 of the Revised Code. 8311

(2) "State agency" means every organized body, office, or 8312
agency established by the laws of the state for the exercise of 8313
any function of state government, other than any state-supported 8314
institution of higher education, the office of the auditor of 8315
state, treasurer of state, secretary of state, or attorney 8316
general, the adjutant general's department, the bureau of workers' 8317
compensation, the industrial commission, the public employees 8318
retirement system, the Ohio police and fire pension fund, the 8319
state teachers retirement system, the school employees retirement 8320
system, the state highway patrol retirement system, the general 8321
assembly or any legislative agency, the capitol square review 8322
advisory board, or the courts or any judicial agency. 8323

Sec. 125.65. (A) As used in this section, "small business" 8324
has the same meaning as in section 107.63 of the Revised Code. 8325

(B) The LeanOhio office in the department of administrative services shall establish and operate an entrepreneur in residence pilot program. The mission of the entrepreneur in residence pilot program is to provide for better outreach by state government to small businesses, to strengthen coordination and interaction between state government and small businesses, and to make state government programs and functions simpler, easier to access, more efficient, and more responsive to the needs of small businesses.

(C) Not later than the first day of the seventh month after ~~the effective date of this section~~ March 3, 2015, the LeanOhio office shall appoint not more than five entrepreneurs in residence from among individuals who are successful in their fields and shall make reasonable efforts to market the entrepreneur in residence program across the state and attract participation from entrepreneurs with various backgrounds, including female entrepreneurs, minority business enterprises as defined in section 122.71 of the Revised Code, and owners of EDGE business enterprises as defined in section ~~123.152~~122.922 of the Revised Code. The LeanOhio office may give preference to individuals who have achieved quantifiable improvements using LeanOhio tools and strategies such as lean six sigma and individuals who have achieved a black belt or master black belt certification from the LeanOhio office or an equivalent certification from a private sector office or entity.

The appointment of an entrepreneur in residence is for one year.

The office shall monitor the work of entrepreneurs in residence during the pilot program.

An entrepreneur in residence serves at the pleasure of the LeanOhio office, and the office may discharge without cause an entrepreneur in residence.

(D) The duties of an entrepreneur in residence may include 8357
any or all of the following: 8358

(1) Assisting the LeanOhio office in facilitating and 8359
developing the scope of lean process improvement events throughout 8360
state government; 8361

(2) Assisting the LeanOhio office in holding follow-up 8362
meetings to ensure the improvements developed at lean process 8363
improvement events are implemented; 8364

(3) Participating in strategic planning efforts for the 8365
LeanOhio office or other areas of state government; 8366

(4) Assisting the LeanOhio office with presentations on 8367
opportunities for state government to become more efficient and 8368
effective; 8369

(5) Facilitating meetings with businesses, state agencies, 8370
and local governments that may be affected by process improvements 8371
recommended by the LeanOhio office; 8372

(6) Assisting the LeanOhio office in providing continuous 8373
improvement training to state employees. 8374

(E) An entrepreneur in residence shall report directly to the 8375
LeanOhio office. 8376

An entrepreneur in residence is not entitled to compensation 8377
or any reimbursement from the LeanOhio office for expenses the 8378
entrepreneur in residence incurs in discharge of the entrepreneur 8379
in residence's duties. 8380

(F)(1) Not later than the date that is one year after an 8381
entrepreneur in residence was appointed, the entrepreneur in 8382
residence shall prepare a report about the entrepreneur's 8383
experiences in the program. In the report, the entrepreneur in 8384
residence shall make recommendations to the LeanOhio office that 8385
further the mission of the entrepreneur in residence program. In 8386

particular, the entrepreneur in residence shall make 8387
recommendations regarding all of the following: 8388

(a) Elimination of inefficient or duplicative programs or 8389
functions of state government that affect small businesses; 8390

(b) Methods of improving the efficiency of the programs or 8391
functions of state government that affect small businesses; 8392

(c) Any new program or function affecting small businesses 8393
that should be established and implemented by state government; 8394

(d) Any other matter that will further the mission of the 8395
entrepreneur in residence pilot program. 8396

The entrepreneur in residence shall provide a copy of the 8397
report to the LeanOhio office. 8398

(2) During or upon conclusion of the entrepreneur in 8399
residence pilot program, the LeanOhio office may convene an 8400
informal working group of entrepreneurs in residence to discuss 8401
best practices, experiences, and opportunities for and obstacles 8402
to operating small businesses as well as the recommendations in 8403
the reports prepared by the entrepreneurs in residence. 8404

(G) Upon conclusion of the entrepreneur in residence pilot 8405
program, and after considering the reports of the entrepreneurs in 8406
residence and information learned from any informal working group, 8407
the LeanOhio office shall prepare a report on the entrepreneur in 8408
residence pilot program. In the report, the office shall recommend 8409
whether the entrepreneur in residence pilot program should be 8410
repeated with or without modifications, made permanent with or 8411
without modifications, or abandoned. The office shall append the 8412
reports of the entrepreneurs in residence to its report. If the 8413
pilot program is repeated or made permanent, an individual who 8414
previously was assigned as an entrepreneur in residence shall not 8415
be reassigned as an entrepreneur in residence. 8416

The LeanOhio office shall provide a copy of its report to the common sense initiative office. The common sense initiative office promptly shall transmit a copy of the report to the officials designated in the last paragraph of section 107.55 of the Revised Code.

Sec. 125.832. (A) The department of administrative services is granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do both of the following:

(1) Approve the purchase or lease of each motor vehicle for use by a state agency. The department shall decide if a motor vehicle shall be leased or purchased for that use.

Except as otherwise provided in division (A)(1) of this section, on and after July 1, 2005, each state agency shall acquire all passenger motor vehicles under the department's master leasing program. If the department determines that acquisition under that program is not the most economical method and if the department and the state agency acquiring the passenger motor vehicle can provide economic justification for doing so, the department may approve the purchase, rather than the lease, of a passenger motor vehicle for the acquiring state agency.

(2) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and other costs related to the possession and operation of motor vehicles for the use of state agencies.

(B) The director of administrative services shall establish and operate a fleet management program. The director shall operate the program for purposes including, but not limited to, cost-effective acquisition, maintenance, management, analysis, and disposal of all motor vehicles owned or leased by the state. All state agencies shall comply with statewide fleet management

policies and procedures established by the director for the 8448
program, including, but not limited to, motor vehicle assignments, 8449
additions of motor vehicles to fleets or motor vehicle 8450
replacements, motor vehicle fueling, and motor vehicle repairs. 8451

(C) The director shall establish and maintain a fleet 8452
reporting system and shall require state agencies to submit to the 8453
department information relative to state motor vehicles, including 8454
motor vehicles described in division (G)(2) of section 125.831 of 8455
the Revised Code, to be used in operating the fleet management 8456
program. State agencies shall provide to the department fleet data 8457
and other information, including, but not limited to, mileage and 8458
costs. The data and other information shall be submitted in 8459
formats and in a manner determined by the department. 8460

(D) All state agency purchases or leases of motor vehicles 8461
are subject to the prior approval of the director under division 8462
(A)(1) of this section. 8463

(E) State agencies that utilize state motor vehicles or pay 8464
mileage reimbursements to employees shall provide a fleet plan to 8465
the department as directed by the department. 8466

(F)(1) The fleets of state agencies that consist of one 8467
hundred or less vehicles on July 1, 2004, shall be managed by the 8468
department's fleet management program on a time schedule 8469
determined by the department, unless the state agency has received 8470
delegated authority as described in division (G) of this section. 8471

(2) The fleets of state agencies that consist of greater than 8472
one hundred motor vehicles, but less than five hundred motor 8473
vehicles, on July 1, 2005, also shall be managed by the 8474
department's fleet management program on a time schedule 8475
determined by the department, unless the state agency has received 8476
delegated authority as described in division (G) of this section. 8477

(G)(1) The department may delegate any or all of its duties 8478

regarding fleet management to a state agency, if the state agency 8479
demonstrates to the satisfaction of the department both of the 8480
following: 8481

(a) Capabilities to institute and manage a fleet management 8482
program, including, but not limited to, the presence of a 8483
certified fleet manager; 8484

(b) Fleet management performance, as demonstrated by fleet 8485
data and other information submitted pursuant to annual reporting 8486
requirements and any other criteria the department considers 8487
necessary in evaluating the performance. 8488

(2) The department may determine that a state agency is not 8489
in compliance with this section and direct that the agency's fleet 8490
management duties be transferred to the department. 8491

(H) The proceeds derived from the disposition of any motor 8492
vehicles under this section shall be paid to whichever of the 8493
following applies: 8494

(1) The fund that originally provided moneys for the purchase 8495
or lease of the motor vehicles; 8496

(2) If the motor vehicles were originally purchased with 8497
moneys derived from the general revenue fund, the proceeds shall 8498
be deposited, in the director's discretion, into the state 8499
treasury to the credit of either the fleet management fund created 8500
by section 125.83 of the Revised Code or the investment recovery 8501
fund created by section 125.14 of the Revised Code. Any such 8502
proceeds deposited into the state treasury to the credit of the 8503
investment recovery fund may be transferred from the investment 8504
recovery fund to the fleet management fund. 8505

(I)(1) The department shall create and maintain a certified 8506
fleet manager program. 8507

(2) State agencies that have received delegated authority as 8508

described in division (G) of this section shall have a certified fleet manager.

(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements.

(K) The director shall adopt rules for implementing the fleet management program that are consistent with recognized best practices. The program shall be supported by reasonable fee charges for the services provided. The director shall collect these fees and deposit them into the state treasury to the credit for the fleet management fund created by section 125.83 of the Revised Code. The setting and collection of fees under this division is not subject to any restriction imposed by law upon the director's or the department's authority to set or collect fees.

(L) The director also shall adopt rules that prohibit, except in very limited circumstances, the exclusive assignment of state-owned, leased, or pooled motor vehicles to state employees and that prohibit the reimbursement under section 126.31 of the Revised Code of state employees who use their own motor vehicles for any mileage they incur above an amount that the department shall determine annually unless reimbursement for the excess mileage is approved by the department in accordance with standards for that approval the director shall establish in those rules. Beginning on September 26, 2003, no state-owned, leased, or pooled

motor vehicle shall be personally assigned as any form of 8541
compensation or benefit of state employment, and no state-owned, 8542
leased, or pooled motor vehicle shall be assigned to an employee 8543
solely for commuting to and from home and work. 8544

(M) The director shall do both of the following: 8545

(1) Implement to the greatest extent possible the 8546
recommendations from the 2002 report entitled "Administrative 8547
Analysis of the Ohio Fleet Management Program" in connection with 8548
the authority granted to the department by this section; 8549

(2) Attempt to reduce the number of passenger vehicles used 8550
by state agencies during the fiscal years ending on June 30, 2004, 8551
and June 30, 2005. 8552

(N) Each state agency shall reimburse the department for all 8553
costs incurred in the assignment of motor vehicles to the state 8554
agency. 8555

(O) The director shall do all of the following in managing 8556
the fleet management program: 8557

(1) Determine how motor vehicles will be maintained, insured, 8558
operated, financed, and licensed; 8559

(2) Pursuant to the formula in division (O)(3) of this 8560
section, annually establish the minimum number of business miles 8561
per year an employee of a state agency must drive in order to 8562
qualify for approval by the department to receive a motor vehicle 8563
for business use; 8564

(3) Establish the minimum number of business miles per year 8565
at an amount that results when the annual motor vehicle cost is 8566
divided by the amount that is the reimbursement rate per mile 8567
minus the amount that is the sum of the fuel cost, the operating 8568
cost, and the insurance cost. As used in this division: 8569

(a) "Annual motor vehicle cost" means the price of a motor 8570

vehicle divided by the number of years an average motor vehicle is used. 8571
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 8573
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 8576
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by ~~the product resulting when~~ the number of miles an average motor vehicle is driven per year ~~is multiplied by the number of years an average motor vehicle is used.~~ 8579
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 8583
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Sec. 125.95. (A) There is hereby created within the department of administrative services the prescription drug transparency and affordability advisory council. The department shall provide administrative support to the advisory council as necessary for the advisory council to carry out its duties under this section. 8587
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(1) Members of the advisory council shall include the following: 8593
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(a) The director of administrative services, who shall serve as the advisory council's chairperson; 8595
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(b) The director of health; 8597

(c) The medicaid director; 8598

(d) The director of mental health and addiction services; 8599

(e) The administrator of workers' compensation.	8600
(2) Members of the advisory council shall also include	8601
individuals who are working to address prescription drug	8602
availability and affordability in any of the following areas:	8603
(a) Insurance;	8604
(b) Local, state, and federal government service;	8605
(c) Private industry;	8606
(d) Organizations of faith;	8607
(e) Health care providers;	8608
(f) Consumer organizations;	8609
(g) Prescription drug manufacturers;	8610
(h) Prescription drug wholesale distributors;	8611
(i) Pharmacists;	8612
(j) Business organizations;	8613
(k) Individuals concerned about mental health or substance	8614
abuse matters;	8615
(l) Advocates for individuals struggling to afford	8616
prescription drugs.	8617
The governor, the senate president, and the speaker of the	8618
house of representatives shall each appoint three members, each of	8619
whom represents at least one of the categories listed in divisions	8620
(A)(2)(a) to (l) of this section.	8621
(B) Members shall serve without compensation. Initial	8622
appointments shall be made not later than sixty days after the	8623
effective date of this section. Vacancies shall be filled in the	8624
manner provided for original appointments.	8625
(C) Not later than six months after the date of initial	8626
appointments under division (B) of this section, the advisory	8627

council shall submit a report to the governor, the general 8628
assembly, and the chairperson of the joint medicaid oversight 8629
committee in accordance with section 101.68 of the Revised Code. 8630
The report shall include recommendations on all of the following: 8631

(1) How this state can best achieve prescription drug price 8632
transparency; 8633

(2) New payment models or other avenues to create the most 8634
affordable environment for purchasing prescription drugs; 8635

(3) Leveraging this state's purchasing power across all state 8636
agencies, boards, commissions, and similar entities; 8637

(4) Creating efficiencies across different health care 8638
systems, such as hospitals, the criminal justice system, treatment 8639
and recovery support programs, and employer-sponsored health 8640
insurance, to reduce duplicative service delivery across these 8641
systems, ensure that patients receive high quality and affordable 8642
prescription drugs, and support quality care and outcomes; 8643

(5) Which critical outcomes can be measured and used to 8644
improve this state's system of purchasing affordable prescribed 8645
drugs; 8646

(6) How federal, state, and local resources are being used to 8647
optimize these outcomes and identify where the resources can be 8648
better coordinated or redirected to meet the needs of consumers in 8649
this state. 8650

(D) State agencies, boards, commissions, and similar entities 8651
shall cooperate with and provide assistance to the advisory 8652
council as necessary for the advisory council to carry out its 8653
duties under this section. 8654

(E) Upon completion of the report described in division (C) 8655
of this section, the advisory council shall meet ~~not less than~~ 8656
quarterly at the call of its chairperson to provide assistance and 8657

guidance relating to the recommendations in the report. 8658

Sec. 126.37. (A) The director of budget and management ~~shall~~ 8659
~~void any warrant the director draws on the state treasury pursuant~~ 8660
~~to Chapter 5733. or 5747. of the Revised Code that is not~~ 8661
~~presented for payment to the treasurer of state within two years~~ 8662
~~after the date of issuance and shall void any other warrant the~~ 8663
director draws on the state treasury that is not presented for 8664
payment to the treasurer of state within ninety days after the 8665
date of issuance. 8666

(B) If a warrant voided pursuant to division (A) of this 8667
section was drawn against an appropriation of the current fiscal 8668
year and the holder of the voided warrant presents the warrant for 8669
reissuance, in the same fiscal year, to the state agency that made 8670
the payment originally, the agency shall prepare a voucher for the 8671
holder of the voided warrant, in the amount shown on the warrant 8672
that has been voided, against the same appropriation of the same 8673
fiscal year if the agency is satisfied that payment is proper. 8674

(C) If a warrant was drawn against an appropriation of the 8675
first fiscal year of the fiscal biennium and voided pursuant to 8676
division (A) of this section in either fiscal year of the biennium 8677
and if the holder of the voided warrant presents the warrant for 8678
reissuance, in the second fiscal year of the biennium, to the 8679
state agency that made the payment originally, the agency shall 8680
prepare a voucher for the holder of the voided warrant, in the 8681
amount shown on the warrant that has been voided, against funds 8682
transferred to the agency by the director pursuant to section 8683
131.33 of the Revised Code, if the agency is satisfied that 8684
payment is proper. If no such funds are available for transfer, 8685
the agency shall prepare the voucher against any unexpended 8686
appropriations of the current fiscal year available to it. 8687

(D) If a warrant was drawn against an appropriation and, 8688

during the same biennium, was voided pursuant to division (A) of 8689
this section, and if, after that biennium, the holder of the 8690
voided warrant presents the warrant for reissuance to the state 8691
agency that made the payment originally, the agency shall prepare 8692
a voucher for the holder of the voided warrant, in the amount 8693
shown on the warrant that has been voided, against any 8694
appropriation of the current fiscal year made to the agency if the 8695
agency is satisfied that payment is proper. 8696

(E) If a warrant voided pursuant to division (A) of this 8697
section was drawn against an appropriation of a previous fiscal 8698
year and voided after that fiscal biennium and if the holder of 8699
the voided warrant presents the warrant for reissuance to the 8700
state agency that made the payment originally, the agency shall 8701
forward the warrant to the director with a request for reissuance. 8702
The director shall make payment to the holder of the voided 8703
warrant, in the amount shown on the warrant that has been voided, 8704
against an appropriation of the current fiscal year made to the 8705
director for the reissuance of voided warrants, if the director is 8706
satisfied that reissuance of the warrant is proper. 8707

Sec. 127.13. The director of budget and management or ~~his~~ the 8708
director's designee shall be president of the controlling board. 8709
The president shall prepare the proposed agenda for the meetings 8710
of the board and shall provide, at least ~~seven~~ fourteen days prior 8711
to the meeting, copies of the proposed agenda and supporting 8712
documentation to the members of the board and to ~~the legislative~~ 8713
~~budget office~~ of the legislative service commission. 8714

The director shall designate an employee of the office of 8715
budget and management to serve as secretary of the controlling 8716
board. The secretary shall assist the president of the board and 8717
shall make and keep a record of each request received by the board 8718
and of its action thereon. The secretary shall certify a copy of 8719

the record of each action to each member of the board and to the 8720
director. 8721

The controlling board may adopt procedural rules for the 8722
conduct of the business of the board, may approve, disapprove, 8723
modify as to specific dollar amounts, or defer requests, and may 8724
require that a request from the senate, the house of 8725
representatives, the supreme court, or an elected member of the 8726
executive department as defined in Section 1 of Article III, Ohio 8727
Constitution, not currently before the controlling board be added 8728
to the agenda for a specified future meeting of the board, 8729
provided that such request has been previously submitted to the 8730
president for inclusion in the agenda for a board meeting. The 8731
controlling board also may adopt rules authorizing the president 8732
to act on its behalf in exigent circumstances affecting the public 8733
health, safety, or welfare. 8734

The affirmative vote of no fewer than four members of the 8735
controlling board shall be required for any action of the board. 8736
The board shall meet at least once a month. 8737

Sec. 128.55. (A)(1) The tax commissioner, not later than the 8738
last day of each month, shall disburse moneys from the wireless 8739
9-1-1 government assistance fund, plus any accrued interest on the 8740
fund, to each county treasurer. 8741

~~(a) If there are sufficient funds in the wireless 9-1-1 8742
government assistance fund, each county treasurer shall receive 8743
the same amount proportion distributed to that county by the 8744
public utilities commission tax commissioner in the corresponding 8745
calendar month in 2013. 8746~~

~~(b) If the funds available are insufficient to make the 8747
distributions as provided in division (A)(1)(a) of this section, 8748
each county's share shall be reduced in proportion to the amounts 8749
received in the corresponding calendar month in 2013, until the 8750~~

~~total amount to be distributed to the counties is equivalent to~~ 8751
~~the amount available in the wireless 9-1-1 government assistance~~ 8752
~~fund of the previous year.~~ Any shortfall in distributions 8753
resulting from ~~insufficient~~ the timing of funds from received in a 8754
previous month shall be ~~remedied~~ distributed in the following 8755
month. 8756

(2) The tax commissioner shall disburse moneys from the next 8757
generation 9-1-1 fund in accordance with the guidelines 8758
established under section 128.022 of the Revised Code. 8759

(B) Immediately upon receipt by a county treasurer of a 8760
disbursement under division (A) of this section, the county shall 8761
disburse, in accordance with the allocation formula set forth in 8762
the final plan, the amount the county so received to any other 8763
subdivisions in the county and any regional councils of 8764
governments in the county that pay the costs of a public safety 8765
answering point providing wireless enhanced 9-1-1 under the plan. 8766

(C) Nothing in this chapter affects the authority of a 8767
subdivision operating or served by a public safety answering point 8768
of a 9-1-1 system or a regional council of governments operating a 8769
public safety answering point of a 9-1-1 system to use, as 8770
provided in the final plan for the system or in an agreement under 8771
section 128.09 of the Revised Code, any other authorized revenue 8772
of the subdivision or the regional council of governments for the 8773
purposes of providing basic or enhanced 9-1-1. 8774

Sec. 131.02. (A) Except as otherwise provided in section 8775
4123.37, section 5703.061, and division (K) of section 4123.511 of 8776
the Revised Code, whenever any amount is payable to the state, the 8777
officer, employee, or agent responsible for administering the law 8778
under which the amount is payable shall immediately proceed to 8779
collect the amount or cause the amount to be collected and shall 8780
pay the amount into the state treasury or into the appropriate 8781

custodial fund in the manner set forth pursuant to section 113.08 8782
of the Revised Code. Except as otherwise provided in this 8783
division, if the amount is not paid within forty-five days after 8784
payment is due, the officer, employee, or agent shall certify the 8785
amount due to the attorney general, in the form and manner 8786
prescribed by the attorney general, and notify the director of 8787
budget and management thereof. In the case of an amount payable by 8788
a student enrolled in a state institution of higher education, the 8789
amount shall be certified within the later of forty-five days 8790
after the amount is due or the tenth day after the beginning of 8791
the next academic semester, quarter, or other session following 8792
the session for which the payment is payable. The attorney general 8793
may assess the collection cost to the amount certified in such 8794
manner and amount as prescribed by the attorney general. If an 8795
amount payable to a political subdivision is past due, the 8796
political subdivision may, with the approval of the attorney 8797
general, certify the amount to the attorney general pursuant to 8798
this section. 8799

For the purposes of this section, the attorney general and 8800
the officer, employee, or agent responsible for administering the 8801
law under which the amount is payable shall agree on the time a 8802
payment is due, and that agreed upon time shall be one of the 8803
following times: 8804

(1) If a law, including an administrative rule, of this state 8805
prescribes the time a payment is required to be made or reported, 8806
when the payment is required by that law to be paid or reported. 8807

(2) If the payment is for services rendered, when the 8808
rendering of the services is completed. 8809

(3) If the payment is reimbursement for a loss, when the loss 8810
is incurred. 8811

(4) In the case of a fine or penalty for which a law or 8812

administrative rule does not prescribe a time for payment, when 8813
the fine or penalty is first assessed. 8814

(5) If the payment arises from a legal finding, judgment, or 8815
adjudication order, when the finding, judgment, or order is 8816
rendered or issued. 8817

(6) If the payment arises from an overpayment of money by the 8818
state to another person, when the overpayment is discovered. 8819

(7) The date on which the amount for which an individual is 8820
personally liable under section 5735.35, section 5739.33, or 8821
division (G) of section 5747.07 of the Revised Code is determined. 8822

(8) Upon proof of claim being filed in a bankruptcy case. 8823

(9) Any other appropriate time determined by the attorney 8824
general and the officer, employee, or agent responsible for 8825
administering the law under which the amount is payable on the 8826
basis of statutory requirements or ordinary business processes of 8827
the ~~state~~ agency, institution, or political subdivision to which 8828
the payment is owed. 8829

(B)(1) The attorney general shall give immediate notice by 8830
mail or otherwise to the party indebted of the nature and amount 8831
of the indebtedness. 8832

(2) If the amount payable to this state arises from a tax 8833
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 8834
Revised Code, the notice also shall specify all of the following: 8835

(a) The assessment or case number; 8836

(b) The tax pursuant to which the assessment is made; 8837

(c) The reason for the liability, including, if applicable, 8838
that a penalty or interest is due; 8839

(d) An explanation of how and when interest will be added to 8840
the amount assessed; 8841

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the

date the claim is certified, unless the attorney general has 8872
adopted a rule under division (F)(5) of this section shortening 8873
this time frame with respect to a subset of claims. 8874

(3) No initial action shall be commenced to collect any tax 8875
payable to the state that is administered by the tax commissioner, 8876
whether or not such tax is subject to division (B) of this 8877
section, or any penalty, interest, or additional charge on such 8878
tax, after the expiration of the period ending on the later of the 8879
dates specified in divisions (F)(3)(a) and (b) of this section, 8880
provided that such period shall be extended by the period of any 8881
stay to such collection or by any other period to which the 8882
parties mutually agree. If the initial action in aid of execution 8883
is commenced before the later of the dates specified in divisions 8884
(F)(3)(a) and (b) of this section, any and all subsequent actions 8885
may be pursued in aid of execution of judgment for as long as the 8886
debt exists. 8887

(a) Seven years after the assessment of the tax, penalty, 8888
interest, or additional charge is issued. 8889

(b) Four years after the assessment of the tax, penalty, 8890
interest, or additional charge becomes final. For the purposes of 8891
division (F)(3)(b) of this section, the assessment becomes final 8892
at the latest of the following: upon expiration of the period to 8893
petition for reassessment, or if applicable, to appeal a final 8894
determination of the commissioner or decision of the board of tax 8895
appeals or a court, or, if applicable, upon decision of the United 8896
States supreme court. 8897

For the purposes of division (F)(3) of this section, an 8898
initial action to collect a tax debt is commenced at the time when 8899
a certified copy of the tax commissioner's entry making an 8900
assessment final has been filed in the office of the clerk of 8901
court of common pleas in the county in which the taxpayer resides 8902
or has its principal place of business in this state, or in the 8903

office of the clerk of court of common pleas of Franklin county, 8904
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 8905
the Revised Code or in any other applicable law requiring such a 8906
filing. If an assessment has not been issued and there is no time 8907
limitation on the issuance of an assessment under applicable law, 8908
an action to collect a tax debt commences when the action is filed 8909
in the courts of this state to collect the liability. 8910

(4) If information contained in a claim that is sold, 8911
conveyed, or transferred to a private entity pursuant to this 8912
section is confidential pursuant to federal law or a section of 8913
the Revised Code that implements a federal law governing 8914
confidentiality, such information remains subject to that law 8915
during and following the sale, conveyance, or transfer. 8916

(5) The attorney general may adopt rules to aid in the 8917
implementation of this section. 8918

Sec. 131.025. The attorney general shall enter into an 8919
agreement with the United States secretary of the treasury to 8920
participate in the federal treasury offset program for the 8921
collection of the following debts certified to the attorney 8922
general pursuant to section 131.02 of the Revised Code: 8923

(A) State income tax obligations pursuant to 26 U.S.C. 8924
6402(e); 8925

(B) Covered unemployment compensation debts pursuant to 26 8926
U.S.C. 6402(f). 8927

For the purpose of this section, "state income tax" includes 8928
taxes levied pursuant to Chapter 718. of the Revised Code to the 8929
extent that such taxes qualify for the federal treasury offset 8930
program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of 8931
the Revised Code, for the sole purpose of meeting the requirements 8932
of the federal treasury offset program, the attorney general is 8933

the tax administrator, as defined in that section, respecting 8934
delinquencies arising from taxes levied pursuant to Chapter 718. 8935
of the Revised Code once delinquency is certified to the attorney 8936
general for collection under section 131.02 of the Revised Code. 8937

Sec. 131.43. There is hereby created in the state treasury 8938
the budget stabilization fund. All investment earnings of the fund 8939
shall be credited to the fund. It is the intent of the general 8940
assembly to maintain an amount of money in the budget 8941
stabilization fund that amounts to approximately eight and 8942
one-half per cent of the general revenue fund revenues for the 8943
preceding fiscal year. The governor shall include in the state 8944
budget the governor submits to the general assembly under section 8945
107.03 of the Revised Code proposals for transfers between the 8946
general revenue fund and the budget stabilization fund for the 8947
ensuing fiscal biennium. The balance in the fund may be combined 8948
with the balance in the general revenue fund for purposes of cash 8949
management. 8950

Sec. 133.06. (A) A school district shall not incur, without a 8951
vote of the electors, net indebtedness that exceeds an amount 8952
equal to one-tenth of one per cent of its tax valuation, except as 8953
provided in divisions (G) and (H) of this section and in division 8954
(D) of section 3313.372 of the Revised Code, or as prescribed in 8955
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8956
division (J) of this section. 8957

(B) Except as provided in divisions (E), (F), and (I) of this 8958
section, a school district shall not incur net indebtedness that 8959
exceeds an amount equal to nine per cent of its tax valuation. 8960

(C) A school district shall not submit to a vote of the 8961
electors the question of the issuance of securities in an amount 8962
that will make the district's net indebtedness after the issuance 8963

of the securities exceed an amount equal to four per cent of its 8964
tax valuation, unless the superintendent of public instruction, 8965
acting under policies adopted by the state board of education, and 8966
the tax commissioner, acting under written policies of the 8967
commissioner, consent to the submission. A request for the 8968
consents shall be made at least one hundred twenty days prior to 8969
the election at which the question is to be submitted. 8970

The superintendent of public instruction shall certify to the 8971
district the superintendent's and the tax commissioner's decisions 8972
within thirty days after receipt of the request for consents. 8973

If the electors do not approve the issuance of securities at 8974
the election for which the superintendent of public instruction 8975
and tax commissioner consented to the submission of the question, 8976
the school district may submit the same question to the electors 8977
on the date that the next special election may be held under 8978
section 3501.01 of the Revised Code without submitting a new 8979
request for consent. If the school district seeks to submit the 8980
same question at any other subsequent election, the district shall 8981
first submit a new request for consent in accordance with this 8982
division. 8983

(D) In calculating the net indebtedness of a school district, 8984
none of the following shall be considered: 8985

(1) Securities issued to acquire school buses and other 8986
equipment used in transporting pupils or issued pursuant to 8987
division (D) of section 133.10 of the Revised Code; 8988

(2) Securities issued under division (F) of this section and, 8989
to the extent in excess of the limitation stated in division (B) 8990
of this section, under division (E) of this section; 8991

(3) Indebtedness resulting from the dissolution of a joint 8992
vocational school district under section 3311.217 of the Revised 8993
Code, evidenced by outstanding securities of that joint vocational 8994

school district;	8995
(4) Loans, evidenced by any securities, received under	8996
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	8997
(5) Debt incurred under section 3313.374 of the Revised Code;	8998
(6) Debt incurred pursuant to division (B)(5) of section	8999
3313.37 of the Revised Code to acquire computers and related	9000
hardware;	9001
(7) Debt incurred under section 3318.042 of the Revised Code;	9002
(8) Debt incurred under section 5705.2112 or 5705.2113 of the	9003
Revised Code by the fiscal board of a qualifying partnership of	9004
which the school district is a participating school district.	9005
(E) A school district may become a special needs district as	9006
to certain securities as provided in division (E) of this section.	9007
(1) A board of education, by resolution, may declare its	9008
school district to be a special needs district by determining both	9009
of the following:	9010
(a) The student population is not being adequately serviced	9011
by the existing permanent improvements of the district.	9012
(b) The district cannot obtain sufficient funds by the	9013
issuance of securities within the limitation of division (B) of	9014
this section to provide additional or improved needed permanent	9015
improvements in time to meet the needs.	9016
(2) The board of education shall certify a copy of that	9017
resolution to the superintendent of public instruction with a	9018
statistical report showing all of the following:	9019
(a) The history of and a projection of the growth of the tax	9020
valuation;	9021
(b) The projected needs;	9022
(c) The estimated cost of permanent improvements proposed to	9023

meet such projected needs. 9024

(3) The superintendent of public instruction shall certify 9025
the district as an approved special needs district if the 9026
superintendent finds both of the following: 9027

(a) The district does not have available sufficient 9028
additional funds from state or federal sources to meet the 9029
projected needs. 9030

(b) The projection of the potential average growth of tax 9031
valuation during the next five years, according to the information 9032
certified to the superintendent and any other information the 9033
superintendent obtains, indicates a likelihood of potential 9034
average growth of tax valuation of the district during the next 9035
five years of an average of not less than one and one-half per 9036
cent per year. The findings and certification of the 9037
superintendent shall be conclusive. 9038

(4) An approved special needs district may incur net 9039
indebtedness by the issuance of securities in accordance with the 9040
provisions of this chapter in an amount that does not exceed an 9041
amount equal to the greater of the following: 9042

(a) Twelve per cent of the sum of its tax valuation plus an 9043
amount that is the product of multiplying that tax valuation by 9044
the percentage by which the tax valuation has increased over the 9045
tax valuation on the first day of the sixtieth month preceding the 9046
month in which its board determines to submit to the electors the 9047
question of issuing the proposed securities; 9048

(b) Twelve per cent of the sum of its tax valuation plus an 9049
amount that is the product of multiplying that tax valuation by 9050
the percentage, determined by the superintendent of public 9051
instruction, by which that tax valuation is projected to increase 9052
during the next ten years. 9053

(F) A school district may issue securities for emergency 9054

purposes, in a principal amount that does not exceed an amount 9055
equal to three per cent of its tax valuation, as provided in this 9056
division. 9057

(1) A board of education, by resolution, may declare an 9058
emergency if it determines both of the following: 9059

(a) School buildings or other necessary school facilities in 9060
the district have been wholly or partially destroyed, or condemned 9061
by a constituted public authority, or that such buildings or 9062
facilities are partially constructed, or so constructed or planned 9063
as to require additions and improvements to them before the 9064
buildings or facilities are usable for their intended purpose, or 9065
that corrections to permanent improvements are necessary to remove 9066
or prevent health or safety hazards. 9067

(b) Existing fiscal and net indebtedness limitations make 9068
adequate replacement, additions, or improvements impossible. 9069

(2) Upon the declaration of an emergency, the board of 9070
education may, by resolution, submit to the electors of the 9071
district pursuant to section 133.18 of the Revised Code the 9072
question of issuing securities for the purpose of paying the cost, 9073
in excess of any insurance or condemnation proceeds received by 9074
the district, of permanent improvements to respond to the 9075
emergency need. 9076

(3) The procedures for the election shall be as provided in 9077
section 133.18 of the Revised Code, except that: 9078

(a) The form of the ballot shall describe the emergency 9079
existing, refer to this division as the authority under which the 9080
emergency is declared, and state that the amount of the proposed 9081
securities exceeds the limitations prescribed by division (B) of 9082
this section; 9083

(b) The resolution required by division (B) of section 133.18 9084
of the Revised Code shall be certified to the county auditor and 9085

the board of elections at least one hundred days prior to the election; 9086
9087

(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; 9088
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(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. 9092
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(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. 9096
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(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 9101
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costs, as defined by the commission, would be reduced. 9118

If the board finds after receiving the report that the amount 9119
of money the district would spend on such installations, 9120
modifications, or remodeling is not likely to exceed the amount of 9121
money it would save in energy and resultant operational and 9122
maintenance costs over the ensuing fifteen years, the board may 9123
submit to the commission a copy of its findings and a request for 9124
approval to incur indebtedness to finance the making or 9125
modification of installations or the remodeling of buildings for 9126
the purpose of significantly reducing energy consumption. 9127

The facilities construction commission, in consultation with 9128
the auditor of state, may deny a request under division (G)(1) of 9129
this section by the board of education of any school district that 9130
is in a state of fiscal watch pursuant to division (A) of section 9131
3316.03 of the Revised Code, if it determines that the expenditure 9132
of funds is not in the best interest of the school district. 9133

No district board of education of a school district that is 9134
in a state of fiscal emergency pursuant to division (B) of section 9135
3316.03 of the Revised Code shall submit a request without 9136
submitting evidence that the installations, modifications, or 9137
remodeling have been approved by the district's financial planning 9138
and supervision commission established under section 3316.05 of 9139
the Revised Code. 9140

No board of education of a school district for which an 9141
academic distress commission has been established under section 9142
3302.10 of the Revised Code shall submit a request without first 9143
receiving approval to incur indebtedness from the district's 9144
academic distress commission established under that section, for 9145
so long as such commission continues to be required for the 9146
district. 9147

(2) The board of education may contract with a person 9148

experienced in the implementation of student transportation to 9149
produce a report that includes an analysis of and recommendations 9150
for the use of alternative fuel vehicles by school districts. The 9151
report shall include cost estimates detailing the return on 9152
investment over the life of the alternative fuel vehicles and 9153
environmental impact of alternative fuel vehicles. The report also 9154
shall include estimates of all costs associated with alternative 9155
fuel transportation, including facility modifications and vehicle 9156
purchase costs or conversion costs. 9157

If the board finds after receiving the report that the amount 9158
of money the district would spend on purchasing alternative fuel 9159
vehicles or vehicle conversion is not likely to exceed the amount 9160
of money it would save in fuel and resultant operational and 9161
maintenance costs over the ensuing five years, the board may 9162
submit to the commission a copy of its findings and a request for 9163
approval to incur indebtedness to finance the purchase of new 9164
alternative fuel vehicles or vehicle conversions for the purpose 9165
of reducing fuel costs. 9166

The facilities construction commission, in consultation with 9167
the auditor of state, may deny a request under division (G)(2) of 9168
this section by the board of education of any school district that 9169
is in a state of fiscal watch pursuant to division (A) of section 9170
3316.03 of the Revised Code, if it determines that the expenditure 9171
of funds is not in the best interest of the school district. 9172

No district board of education of a school district that is 9173
in a state of fiscal emergency pursuant to division (B) of section 9174
3316.03 of the Revised Code shall submit a request without 9175
submitting evidence that the purchase or conversion of alternative 9176
fuel vehicles has been approved by the district's financial 9177
planning and supervision commission established under section 9178
3316.05 of the Revised Code. 9179

No board of education of a school district for which an 9180

academic distress commission has been established under section 9181
3302.10 of the Revised Code shall submit a request without first 9182
receiving approval to incur indebtedness from the district's 9183
academic distress commission established under that section, for 9184
so long as such commission continues to be required for the 9185
district. 9186

(3) The facilities construction commission shall approve the 9187
board's request provided that the following conditions are 9188
satisfied: 9189

(a) The commission determines that the board's findings are 9190
reasonable. 9191

(b) The request for approval is complete. 9192

(c) If the request was submitted under division (G)(1) of 9193
this section, the installations, modifications, or remodeling are 9194
consistent with any project to construct or acquire classroom 9195
facilities, or to reconstruct or make additions to existing 9196
classroom facilities under sections 3318.01 to 3318.20 or sections 9197
3318.40 to 3318.45 of the Revised Code. 9198

Upon receipt of the commission's approval, the district may 9199
issue securities without a vote of the electors in a principal 9200
amount not to exceed nine-tenths of one per cent of its tax 9201
valuation for the purpose specified in division (G)(1) or (2) of 9202
this section, but the total net indebtedness of the district 9203
without a vote of the electors incurred under this and all other 9204
sections of the Revised Code, except section 3318.052 of the 9205
Revised Code, shall not exceed one per cent of the district's tax 9206
valuation. 9207

(4)(a) So long as any securities issued under division (G)(1) 9208
of this section remain outstanding, the board of education shall 9209
monitor the energy consumption and resultant operational and 9210
maintenance costs of buildings in which installations or 9211

modifications have been made or remodeling has been done pursuant 9212
to that division. Except as provided in division (G)(4)(b) of this 9213
section, the board shall maintain and annually update a report in 9214
a form and manner prescribed by the facilities construction 9215
commission documenting the reductions in energy consumption and 9216
resultant operational and maintenance cost savings attributable to 9217
such installations, modifications, or remodeling. The resultant 9218
operational and maintenance cost savings shall be certified by the 9219
school district treasurer. The report shall be submitted annually 9220
to the commission. 9221

(b) If the facilities construction commission verifies that 9222
the certified annual reports submitted to the commission by a 9223
board of education under division (G)(4)(a) of this section 9224
fulfill the guarantee required under division (B) of section 9225
3313.372 of the Revised Code for three consecutive years, the 9226
board of education shall no longer be subject to the annual 9227
reporting requirements of division (G)(4)(a) of this section. 9228

(5) So long as any securities issued under division (G)(2) of 9229
this section remain outstanding, the board of education shall 9230
monitor the purchase of new alternative fuel vehicles or vehicle 9231
conversions pursuant to that division. The board shall maintain 9232
and annually update a report in a form and manner prescribed by 9233
the facilities construction commission documenting the purchase of 9234
new alternative fuel vehicles or vehicle conversions, the 9235
associated environmental impact, and return on investment. The 9236
resultant fuel and operational and maintenance cost savings shall 9237
be certified by the school district treasurer. The report shall be 9238
submitted annually to the commission. 9239

(H) With the consent of the superintendent of public 9240
instruction, a school district may incur without a vote of the 9241
electors net indebtedness that exceeds the amounts stated in 9242
divisions (A) and (G) of this section for the purpose of paying 9243

costs of permanent improvements, if and to the extent that both of 9244
the following conditions are satisfied: 9245

(1) The fiscal officer of the school district estimates that 9246
receipts of the school district from payments made under or 9247
pursuant to agreements entered into pursuant to section 725.02, 9248
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9249
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 9250
of the Revised Code, or distributions under division (C) of 9251
section 5709.43 or division (B) of section 5709.47 of the Revised 9252
Code, or any combination thereof, are, after accounting for any 9253
appropriate coverage requirements, sufficient in time and amount, 9254
and are committed by the proceedings, to pay the debt charges on 9255
the securities issued to evidence that indebtedness and payable 9256
from those receipts, and the taxing authority of the district 9257
confirms the fiscal officer's estimate, which confirmation is 9258
approved by the superintendent of public instruction; 9259

(2) The fiscal officer of the school district certifies, and 9260
the taxing authority of the district confirms, that the district, 9261
at the time of the certification and confirmation, reasonably 9262
expects to have sufficient revenue available for the purpose of 9263
operating such permanent improvements for their intended purpose 9264
upon acquisition or completion thereof, and the superintendent of 9265
public instruction approves the taxing authority's confirmation. 9266

The maximum maturity of securities issued under division (H) 9267
of this section shall be the lesser of twenty years or the maximum 9268
maturity calculated under section 133.20 of the Revised Code. 9269

(I) A school district may incur net indebtedness by the 9270
issuance of securities in accordance with the provisions of this 9271
chapter in excess of the limit specified in division (B) or (C) of 9272
this section when necessary to raise the school district portion 9273
of the basic project cost and any additional funds necessary to 9274
participate in a project under Chapter 3318. of the Revised Code, 9275

including the cost of items designated by the facilities 9276
construction commission as required locally funded initiatives, 9277
the cost of other locally funded initiatives in an amount that 9278
does not exceed fifty per cent of the district's portion of the 9279
basic project cost, and the cost for site acquisition. ~~The~~ 9280
~~commission~~ A school district shall notify the superintendent of 9281
public instruction whenever ~~a school~~ that district will exceed 9282
either limit pursuant to this division. 9283

(J) A school district whose portion of the basic project cost 9284
of its classroom facilities project under sections 3318.01 to 9285
3318.20 of the Revised Code is greater than or equal to one 9286
hundred million dollars may incur without a vote of the electors 9287
net indebtedness in an amount up to two per cent of its tax 9288
valuation through the issuance of general obligation securities in 9289
order to generate all or part of the amount of its portion of the 9290
basic project cost if the controlling board has approved the 9291
facilities construction commission's conditional approval of the 9292
project under section 3318.04 of the Revised Code. The school 9293
district board and the Ohio facilities construction commission 9294
shall include the dedication of the proceeds of such securities in 9295
the agreement entered into under section 3318.08 of the Revised 9296
Code. No state moneys shall be released for a project to which 9297
this section applies until the proceeds of any bonds issued under 9298
this section that are dedicated for the payment of the school 9299
district portion of the project are first deposited into the 9300
school district's project construction fund. 9301

Sec. 133.13. If the special assessments are to be paid in one 9302
annual installment, the taxing authority of a subdivision may 9303
issue securities in anticipation of its levy or collection of 9304
special assessments to pay the costs of the subdivision's 9305
broadband funding gap portion for an eligible project under 9306
sections 122.40 to 122.4077 of the Revised Code, lighting, 9307

sprinkling, sweeping, cleaning, providing related or similar 9308
services or the services described in section 727.011 of the 9309
Revised Code, or of removing snow, ice, and debris from, or 9310
treating the surface of, streets, alleys, and public ways and 9311
places. 9312

Such securities shall not be general obligations of the 9313
issuing subdivision, and shall not pledge to the payment of debt 9314
charges any receipts other than the special assessments 9315
anticipated, except that a municipal corporation, without 9316
incurring debt subject to direct or indirect debt limitations, may 9317
also pledge and apply proceeds of its municipal income tax to pay 9318
those debt charges. No property tax shall be levied or pledged for 9319
the payment of debt charges on the securities. The securities 9320
shall mature no later than the last day of December of the year in 9321
which the special assessments anticipated are scheduled to be 9322
collected. 9323

The legislation authorizing the securities shall appropriate 9324
the special assessments anticipated, and such special assessments 9325
shall be deemed to be pledged and appropriated, first to the 9326
payment of the debt charges on the securities. After provision has 9327
been made for the payment in full of those debt charges, the 9328
balance of the special assessments may be appropriated and applied 9329
for the purposes for which they were levied. 9330

Sec. 135.02. There shall be a state board of deposit 9331
consisting of the treasurer of state or an employee of the 9332
treasurer of state's department designated by the treasurer of 9333
state, the auditor of state or an employee of the auditor of 9334
state's department designated by the auditor of state, and the 9335
attorney general or an employee of the attorney general's 9336
department designated by the attorney general. The board shall 9337
meet on the call of the chairperson at least annually to perform 9338

the duties prescribed in sections 135.01 to 135.21 of the Revised Code. At any time, two members of the board may request that the chairperson call a meeting of the board, and the chairperson shall call the meeting within thirty days after receiving such requests. The treasurer of state or the treasurer of state's designated representative shall be chairperson of the board. The ~~cashier~~ treasurer of the state treasury shall be designate an employee of the treasurer of state's department to serve as the secretary of the board and shall keep its records. A certified copy of such records shall be prima-facie evidence of the matter appearing therein in any court of record.

The chairperson shall provide a monthly report to the board of deposit consisting of the notifications required under division (B) of section 135.143 of the Revised Code and shall post that report monthly to a web site maintained by the treasurer of state.

The necessary expenses of the board shall be paid from the state treasury from appropriations for that purpose upon the order of the board certified by the chairperson and the secretary.

Sec. 149.309. (A) The Ohio commission for the United States semiquincentennial is established to plan, encourage, develop, and coordinate the commemoration of the two hundred fiftieth anniversary of the founding of the United States and the impact of Ohioans on the nation's past, present, and future.

(B) The commission shall consist of the following members:

(1) Two members of the senate, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate;

(2) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the

<u>house of representatives;</u>	9369
<u>(3) Twenty members who are private citizens, of whom:</u>	9370
<u>(a) Four shall be appointed by the governor;</u>	9371
<u>(b) Four shall be appointed by the president of the senate;</u>	9372
<u>(c) Four shall be appointed by the minority leader of the senate;</u>	9373
<u>(d) Four shall be appointed by the speaker of the house of representatives;</u>	9374
<u>(e) Four shall be appointed by the minority leader of the house of representatives.</u>	9375
<u>(4) The governor shall designate one of the private citizens members as the chairperson of the commission.</u>	9376
<u>(5) The following individuals shall be ex officio, nonvoting members of the commission:</u>	9377
<u>(a) The secretary of state;</u>	9378
<u>(b) The attorney general;</u>	9379
<u>(c) The auditor of state;</u>	9380
<u>(d) The treasurer of state;</u>	9381
<u>(e) The president of the board of trustees of the Ohio history connection;</u>	9382
<u>(f) The director of transportation;</u>	9383
<u>(g) The superintendent of public instruction;</u>	9384
<u>(h) The chancellor of higher education;</u>	9385
<u>(i) The director of natural resources;</u>	9386
<u>(j) The adjutant general;</u>	9387
<u>(k) The chairperson of the board of the Ohio arts council;</u>	9388
<u>(l) The director of public safety;</u>	9389

<u>(m) The superintendent of the Ohio state highway patrol.</u>	9396
<u>(C) A member shall be appointed for the duration of the</u>	9397
<u>commission, so long as the member continues to hold the office</u>	9398
<u>that entitled the member to the position on the commission. A</u>	9399
<u>vacancy on the commission shall be filled in the same manner as</u>	9400
<u>the original appointment. The members of the commission shall</u>	9401
<u>receive no compensation for service on the commission, except for</u>	9402
<u>reimbursement for reasonable travel expenses.</u>	9403
<u>(D) Meetings of the commission shall be held throughout this</u>	9404
<u>state at times and locations determined by the chairperson. A</u>	9405
<u>majority of the members of the commission constitute a quorum, but</u>	9406
<u>a lesser number of members may hold hearings subject to the call</u>	9407
<u>of the chairperson.</u>	9408
<u>(E) The commission shall do all of the following:</u>	9409
<u>(1) Plan, coordinate, and implement an overall program</u>	9410
<u>commemorating the two hundred fiftieth anniversary of the founding</u>	9411
<u>of the United States in the year 2026;</u>	9412
<u>(2) Plan, coordinate, and implement an exposition to showcase</u>	9413
<u>the unique features and talents of Ohio and Ohioans, known as the</u>	9414
<u>Ohio pavilion;</u>	9415
<u>(3) Coordinate with all federal, state, and local agencies on</u>	9416
<u>infrastructural improvements and projects to welcome regional,</u>	9417
<u>national, and international tourists;</u>	9418
<u>(4) Establish and maintain an official web site that is</u>	9419
<u>available and accessible to the public.</u>	9420
<u>(F) In preparing plans and an overall program, the commission</u>	9421
<u>shall do all of the following:</u>	9422
<u>(1) Give due consideration to related plans and programs</u>	9423
<u>developed by federal, other state, local, and private groups;</u>	9424
<u>(2) Beginning within ninety days of its first meeting and</u>	9425

throughout the duration of the commission, conduct extensive 9426
public engagement throughout this state in developing the overall 9427
programs that may take place during the semiquincentennial; 9428

(3) Aim to involve and showcase all counties in this state; 9429

(4) Draw attention to the achievements, struggles, honors, 9430
innovations, and significance of all people in this state since 9431
before its founding to the present day; 9432

(5) Clearly delineate the costs associated with the 9433
commission. 9434

(G) The commission may designate special committees with 9435
representatives from groups described in division (F)(1) of this 9436
section to plan, develop, and coordinate specific activities. 9437

(H)(1) Not later than three years after the effective date of 9438
this section, the commission shall submit to the governor and the 9439
general assembly a comprehensive report that includes the specific 9440
recommendations of the commission for the commemoration of the two 9441
hundred fiftieth anniversary of the founding of the United States 9442
and related events. 9443

(2) The report shall include all of the following: 9444

(a) A detailed timeline of the plan of works through 2026; 9445

(b) Recommendations of the commission for the allocation of 9446
financial and administrative responsibility among the public and 9447
private authorities and organizations recommended for 9448
participation by the commission; 9449

(c) The projected number of jobs created through the 9450
implementation of the commission's plan and overall program; 9451

(d) The projected economic consequences of the implementation 9452
of the commission's plan and overall program; 9453

(e) The plan for the Ohio pavilion; 9454

<u>(f) The plan for improvements, if any, to the infrastructure</u>	9455
<u>of the state necessary for the successful delivery of the</u>	9456
<u>commission's plan and overall program;</u>	9457
<u>(g) Outputs and outcomes against which progress and success</u>	9458
<u>of the commission's plan and overall program can be measured.</u>	9459
<u>(3) The report may include recommendations for legislation</u>	9460
<u>needed to effectuate the plan and overall program.</u>	9461
<u>(4) The report shall be available on the commission's</u>	9462
<u>official web site.</u>	9463
<u>(I) The commission may secure directly from a state agency</u>	9464
<u>information as the commission considers necessary to carry out its</u>	9465
<u>duties. On the request of the chairperson of the commission, the</u>	9466
<u>head of a state agency shall provide the information to the</u>	9467
<u>commission.</u>	9468
<u>(J) The commission may accept, use, and dispose of gifts and</u>	9469
<u>donations of money, property, or personal services. Information</u>	9470
<u>relating to the gifts shall be enumerated and submitted to the</u>	9471
<u>Ohio ethics commission each quarter and shall be available on the</u>	9472
<u>commission's official web site.</u>	9473
<u>(K) As determined necessary by the commission, the commission</u>	9474
<u>may do any of the following:</u>	9475
<u>(1) Procure supplies, services, and property;</u>	9476
<u>(2) Take actions as are necessary to enable the commission to</u>	9477
<u>carry out efficiently and in the public interest the purpose of</u>	9478
<u>this section.</u>	9479
<u>(L) Property acquired by the commission that remains after</u>	9480
<u>the termination of the commission may be designated by an act of</u>	9481
<u>the general assembly to local governments or state agencies.</u>	9482
<u>(M)(1) The chairperson of the commission may appoint an</u>	9483
<u>executive director and other additional personnel as are necessary</u>	9484

to enable the commission to perform its powers and duties. 9485

(2) The employment of an executive director shall be subject 9486
to confirmation by majority vote of the commission. 9487

(N) Once each year during the period beginning on the 9488
effective date of this section through July 31, 2026, the 9489
commission shall submit to the governor and the general assembly a 9490
report of the activities of the commission, including an 9491
accounting of funds received and expended during the year covered 9492
by the report, the outputs and outcomes achieved, and whether 9493
those achievements meet the commission's plan and overall program. 9494
The report shall be available on the commission's official web 9495
site. 9496

(O) The commission terminates on July 31, 2026. 9497

Sec. 149.311. (A) As used in this section: 9498

(1) "Historic building" means a building, including its 9499
structural components, that is located in this state and that is 9500
either individually listed on the national register of historic 9501
places under 16 U.S.C. 470a, located in a registered historic 9502
district, and certified by the state historic preservation officer 9503
as being of historic significance to the district, or is 9504
individually listed as an historic landmark designated by a local 9505
government certified under 16 U.S.C. 470a(c). 9506

(2) "Qualified rehabilitation expenditures" means 9507
expenditures paid or incurred during the rehabilitation period, 9508
and before and after that period as determined under 26 U.S.C. 47, 9509
by an owner or qualified lessee of an historic building to 9510
rehabilitate the building. "Qualified rehabilitation expenditures" 9511
includes architectural or engineering fees paid or incurred in 9512
connection with the rehabilitation, and expenses incurred in the 9513
preparation of nomination forms for listing on the national 9514

register of historic places. "Qualified rehabilitation	9515
expenditures" does not include any of the following:	9516
(a) The cost of acquiring, expanding, or enlarging an	9517
historic building;	9518
(b) Expenditures attributable to work done to facilities	9519
related to the building, such as parking lots, sidewalks, and	9520
landscaping;	9521
(c) New building construction costs.	9522
(3) "Owner" of an historic building means a person holding	9523
the fee simple interest in the building. "Owner" does not include	9524
the state or a state agency, or any political subdivision as	9525
defined in section 9.23 of the Revised Code.	9526
(4) "Qualified lessee" means a person subject to a lease	9527
agreement for an historic building and eligible for the federal	9528
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"	9529
does not include the state or a state agency or political	9530
subdivision as defined in section 9.23 of the Revised Code.	9531
(5) "Certificate owner" means the owner or qualified lessee	9532
of an historic building to which a rehabilitation tax credit	9533
certificate was issued under this section.	9534
(6) "Registered historic district" means an historic district	9535
listed in the national register of historic places under 16 U.S.C.	9536
470a, an historic district designated by a local government	9537
certified under 16 U.S.C. 470a(c), or a local historic district	9538
certified under 36 C.F.R. 67.8 and 67.9.	9539
(7) "Rehabilitation" means the process of repairing or	9540
altering an historic building or buildings, making possible an	9541
efficient use while preserving those portions and features of the	9542
building and its site and environment that are significant to its	9543
historic, architectural, and cultural values.	9544

(8) "Rehabilitation period" means one of the following: 9545

(a) If the rehabilitation initially was not planned to be 9546
completed in stages, a period chosen by the owner or qualified 9547
lessee not to exceed twenty-four months during which 9548
rehabilitation occurs; 9549

(b) If the rehabilitation initially was planned to be 9550
completed in stages, a period chosen by the owner or qualified 9551
lessee not to exceed sixty months during which rehabilitation 9552
occurs. Each stage shall be reviewed as a phase of a 9553
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 9554
successor to that section. 9555

(9) "State historic preservation officer" or "officer" means 9556
the state historic preservation officer appointed by the governor 9557
under 16 U.S.C. 470a. 9558

(10) "Catalytic project" means the rehabilitation of an 9559
historic building, the rehabilitation of which will foster 9560
economic development within two thousand five hundred feet of the 9561
historic building. 9562

(B) The owner or qualified lessee of an historic building may 9563
apply to the director of development ~~services~~ for a rehabilitation 9564
tax credit certificate for qualified rehabilitation expenditures 9565
paid or incurred by such owner or qualified lessee after April 4, 9566
2007, for rehabilitation of an historic building. If the owner of 9567
an historic building enters a pass-through agreement with a 9568
qualified lessee for the purposes of the federal rehabilitation 9569
tax credit under 26 U.S.C. 47, the qualified rehabilitation 9570
expenditures paid or incurred by the owner after April 4, 2007, 9571
may be attributed to the qualified lessee. 9572

The form and manner of filing such applications shall be 9573
prescribed by rule of the director. Each application shall state 9574
the amount of qualified rehabilitation expenditures the applicant 9575

estimates will be paid or incurred. The director may require 9576
applicants to furnish documentation of such estimates. 9577

The director, after consultation with the tax commissioner 9578
and in accordance with Chapter 119. of the Revised Code, shall 9579
adopt rules that establish all of the following: 9580

(1) Forms and procedures by which applicants may apply for 9581
rehabilitation tax credit certificates; 9582

(2) Criteria for reviewing, evaluating, and approving 9583
applications for certificates within the limitations under 9584
division (D) of this section, criteria for assuring that the 9585
certificates issued encompass a mixture of high and low qualified 9586
rehabilitation expenditures, and criteria for issuing certificates 9587
under division (C)(3)(b) of this section; 9588

(3) Eligibility requirements for obtaining a certificate 9589
under this section; 9590

(4) The form of rehabilitation tax credit certificates; 9591

(5) Reporting requirements and monitoring procedures; 9592

(6) Procedures and criteria for conducting cost-benefit 9593
analyses of historic buildings that are the subjects of 9594
applications filed under this section. The purpose of a 9595
cost-benefit analysis shall be to determine whether rehabilitation 9596
of the historic building will result in a net revenue gain in 9597
state and local taxes once the building is used. 9598

(7) Any other rules necessary to implement and administer 9599
this section. 9600

(C) The director ~~of development services~~ shall review the 9601
applications with the assistance of the state historic 9602
preservation officer and determine whether all of the following 9603
criteria are met: 9604

(1) That the building that is the subject of the application 9605

is an historic building and the applicant is the owner or 9606
qualified lessee of the building; 9607

(2) That the rehabilitation will satisfy standards prescribed 9608
by the United States secretary of the interior under 16 U.S.C. 9609
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 9610
that section; 9611

(3) That receiving a rehabilitation tax credit certificate 9612
under this section is a major factor in: 9613

(a) The applicant's decision to rehabilitate the historic 9614
building; or 9615

(b) To increase the level of investment in such 9616
rehabilitation. 9617

An applicant shall demonstrate to the satisfaction of the 9618
state historic preservation officer and director ~~of development~~ 9619
~~services~~ that the rehabilitation will satisfy the standards 9620
described in division (C)(2) of this section before the applicant 9621
begins the physical rehabilitation of the historic building. 9622

(D)(1) If the director ~~of development services~~ determines 9623
that an application meets the criteria in divisions (C)(1), (2), 9624
and (3) of this section, the director shall conduct a cost-benefit 9625
analysis for the historic building that is the subject of the 9626
application to determine whether rehabilitation of the historic 9627
building will result in a net revenue gain in state and local 9628
taxes once the building is used. The director shall consider the 9629
results of the cost-benefit analysis in determining whether to 9630
approve the application. The director shall also consider the 9631
potential economic impact and the regional distributive balance of 9632
the credits throughout the state. The director may approve an 9633
application only after completion of the cost-benefit analysis. 9634

(2) A rehabilitation tax credit certificate shall not be 9635
issued for an amount greater than the estimated amount furnished 9636

by the applicant on the application for such certificate and 9637
approved by the director. The director shall not approve more than 9638
a total of sixty million dollars of rehabilitation tax credits per 9639
fiscal year but the director may reallocate unused tax credits 9640
from a prior fiscal year for new applicants and such reallocated 9641
credits shall not apply toward the dollar limit of this division. 9642

(3) For rehabilitations with a rehabilitation period not 9643
exceeding twenty-four months as provided in division (A)(8)(a) of 9644
this section, a rehabilitation tax credit certificate shall not be 9645
issued before the rehabilitation of the historic building is 9646
completed. 9647

(4) For rehabilitations with a rehabilitation period not 9648
exceeding sixty months as provided in division (A)(8)(b) of this 9649
section, a rehabilitation tax credit certificate shall not be 9650
issued before a stage of rehabilitation is completed. After all 9651
stages of rehabilitation are completed, if the director cannot 9652
determine that the criteria in division (C) of this section are 9653
satisfied for all stages of rehabilitations, the director shall 9654
certify this finding to the tax commissioner, and any 9655
rehabilitation tax credits received by the applicant shall be 9656
repaid by the applicant and may be collected by assessment as 9657
unpaid tax by the commissioner. 9658

(5) The director ~~of development services~~ shall require the 9659
applicant to provide a third-party cost certification by a 9660
certified public accountant of the actual costs attributed to the 9661
rehabilitation of the historic building when qualified 9662
rehabilitation expenditures exceed two hundred thousand dollars. 9663

If an applicant whose application is approved for receipt of 9664
a rehabilitation tax credit certificate fails to provide to the 9665
director sufficient evidence of reviewable progress, including a 9666
viable financial plan, copies of final construction drawings, and 9667
evidence that the applicant has obtained all historic approvals 9668

within twelve months after the date the applicant received 9669
notification of approval, and if the applicant fails to provide 9670
evidence to the director that the applicant has secured and closed 9671
on financing for the rehabilitation within eighteen months after 9672
receiving notification of approval, the director may rescind the 9673
approval of the application. The director shall notify the 9674
applicant if the approval has been rescinded. Credits that would 9675
have been available to an applicant whose approval was rescinded 9676
shall be available for other qualified applicants. Nothing in this 9677
division prohibits an applicant whose approval has been rescinded 9678
from submitting a new application for a rehabilitation tax credit 9679
certificate. 9680

(6) The director ~~of development services~~ may approve the 9681
application of, and issue a rehabilitation tax credit certificate 9682
to, the owner of a catalytic project, provided the application 9683
otherwise meets the criteria described in divisions (C) and (D) of 9684
this section. The director may not approve more than one 9685
application for a rehabilitation tax credit certificate under 9686
division (D)(6) of this section during each state fiscal biennium. 9687
The director shall not approve an application for a rehabilitation 9688
tax credit certificate under division (D)(6) of this section 9689
during the state fiscal biennium beginning July 1, 2017, or during 9690
any state fiscal biennium thereafter. The director shall consider 9691
the following criteria in determining whether to approve an 9692
application for a certificate under division (D)(6) of this 9693
section: 9694

(a) Whether the historic building is a catalytic project; 9695

(b) The effect issuance of the certificate would have on the 9696
availability of credits for other applicants that qualify for a 9697
credit certificate within the credit dollar limit described in 9698
division (D)(2) of this section; 9699

(c) The number of jobs, if any, the catalytic project will 9700

create. 9701

(7)(a) The owner or qualified lessee of a historic building 9702
may apply for a rehabilitation tax credit certificate under both 9703
divisions (B) and (D)(6) of this section. In such a case, the 9704
director ~~of development services~~ shall consider each application 9705
at the time the application is submitted. 9706

(b) The director ~~of development services~~ shall not issue more 9707
than one certificate under this section with respect to the same 9708
qualified rehabilitation expenditures. 9709

(E) Issuance of a certificate represents a finding by the 9710
director ~~of development services~~ of the matters described in 9711
divisions (C)(1), (2), and (3) of this section only; issuance of a 9712
certificate does not represent a verification or certification by 9713
the director of the amount of qualified rehabilitation 9714
expenditures for which a tax credit may be claimed under section 9715
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 9716
Revised Code. The amount of qualified rehabilitation expenditures 9717
for which a tax credit may be claimed is subject to inspection and 9718
examination by the tax commissioner or employees of the 9719
commissioner under section 5703.19 of the Revised Code and any 9720
other applicable law. Upon the issuance of a certificate, the 9721
director shall certify to the tax commissioner, in the form and 9722
manner requested by the tax commissioner, the name of the 9723
applicant, the amount of qualified rehabilitation expenditures 9724
shown on the certificate, and any other information required by 9725
the rules adopted under this section. 9726

(F)(1) On or before the first day of August each year, the 9727
director ~~of development services~~ and tax commissioner jointly 9728
shall submit to the president of the senate and the speaker of the 9729
house of representatives a report on the tax credit program 9730
established under this section and sections 5725.151, 5725.34, 9731
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 9732

report shall present an overview of the program and shall include 9733
information on the number of rehabilitation tax credit 9734
certificates issued under this section during the preceding fiscal 9735
year, an update on the status of each historic building for which 9736
an application was approved under this section, the dollar amount 9737
of the tax credits granted under sections 5725.151, 5725.34, 9738
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 9739
any other information the director and commissioner consider 9740
relevant to the topics addressed in the report. 9741

(2) On or before December 1, 2015, the director ~~of~~ 9742
~~development services~~ and tax commissioner jointly shall submit to 9743
the president of the senate and the speaker of the house of 9744
representatives a comprehensive report that includes the 9745
information required by division (F)(1) of this section and a 9746
detailed analysis of the effectiveness of issuing tax credits for 9747
rehabilitating historic buildings. The report shall be prepared 9748
with the assistance of an economic research organization jointly 9749
chosen by the director and commissioner. 9750

(G) There is hereby created in the state treasury the 9751
historic rehabilitation tax credit operating fund. The director ~~of~~ 9752
~~development services~~ is authorized to charge reasonable 9753
application and other fees in connection with the administration 9754
of tax credits authorized by this section and sections 5725.151, 9755
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 9756
Code. Any such fees collected shall be credited to the fund and 9757
used to pay reasonable costs incurred by the department of 9758
development ~~services~~ in administering this section and sections 9759
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 9760
Revised Code. 9761

The Ohio historic preservation office is authorized to charge 9762
reasonable fees in connection with its review and approval of 9763
applications under this section. Any such fees collected shall be 9764

credited to the fund and used to pay administrative costs incurred 9765
by the Ohio historic preservation office pursuant to this section. 9766

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 9767
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 9768
owner of a tax credit certificate issued under division (D)(6) of 9769
this section may claim a tax credit equal to twenty-five per cent 9770
of the dollar amount indicated on the certificate for a total 9771
credit of not more than twenty-five million dollars. The credit 9772
claimed by such a certificate owner for any calendar year, tax 9773
year, or taxable year under section 5725.151, 5725.34, 5726.52, 9774
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 9775
five million dollars. If the certificate owner is eligible for 9776
more than five million dollars in total credits, the certificate 9777
owner may carry forward the balance of the credit in excess of the 9778
amount claimed for that year for not more than five ensuing 9779
calendar years, tax years, or taxable years. If the credit claimed 9780
in any calendar year, tax year, or taxable year exceeds the tax 9781
otherwise due, the excess shall be refunded to the taxpayer. 9782

(I) The director of development ~~services~~, in consultation 9783
with the director of budget and management, shall develop and 9784
adopt a system of tracking any information necessary to anticipate 9785
the impact of credits issued under this section on tax revenues 9786
for current and future fiscal years. Such information may include 9787
the number of applications approved, the estimated rehabilitation 9788
expenditures and rehabilitation period associated with such 9789
applications, the number and amount of tax credit certificates 9790
issued, and any other information the director of budget and 9791
management requires for the purposes of this division. 9792

Sec. 149.434. (A) Each public office or person responsible 9793
for public records shall maintain a database or a list that 9794
includes the name ~~and date of birth~~ of all public officials and 9795

employees elected to or employed by that public office. The 9796
database or list is a public record and shall be made available 9797
upon a request made pursuant to section 149.43 of the Revised 9798
Code. 9799

(B) As used in this section: 9800

(1) "Employee" has the same meaning as in section 9.40 of the 9801
Revised Code. 9802

(2) "Public official" has the same meaning as in section 9803
117.01 of the Revised Code. 9804

(3) "Public record" has the same meaning as in section 149.43 9805
of the Revised Code. 9806

Sec. ~~155.011~~ 155.29. The owner of any tract of land in which 9807
the state has retained the gas, oil, coal, and other mineral 9808
rights and right of entry may acquire such rights by purchase from 9809
the state. Such owner desiring to purchase such rights shall make 9810
application to the director of administrative services. This 9811
application shall be in such manner and form and shall contain 9812
such information as prescribed by the director. The said 9813
application shall have a deposit of a sum sufficient to pay the 9814
appraisal fees together with evidence of title to the land in 9815
which the applicant desires to purchase the mineral rights affixed 9816
thereto. 9817

Upon receipt of the application, evidence of title, and the 9818
deposit, the director shall cause the mineral rights to be 9819
appraised by three disinterested persons. The director shall 9820
determine the fee that each appraiser shall receive. All appraisal 9821
fees shall be paid from the deposit posted by the applicant. If 9822
the deposit exceeds the appraisal fees the balance shall be 9823
returned to the applicant. 9824

The appraisal value when approved by the director of 9825

administrative services shall constitute the purchase price. The 9826
director shall notify the applicant of the purchase price by 9827
certified or registered mail. Upon receipt of the purchase price 9828
~~by the director of administrative services, the auditor of state~~ 9829
director shall prepare, with the assistance of the attorney 9830
general, a deed which shall be executed by the governor, 9831
countersigned by the secretary of state, recorded in the office of 9832
the ~~auditor of state~~ director of administrative services, and 9833
delivered to the purchaser; provided, that if the purchase price 9834
has not been received within ninety days after notice of the 9835
purchase price was delivered to the applicant, the purchase price 9836
shall no longer be valid and a new application shall be 9837
instituted, a new deposit tendered, and a new appraisal had on the 9838
mineral rights. 9839

If the applicant fails to purchase the mineral rights within 9840
one year from the date of the initial application instituted by 9841
such applicant, a purchase by such applicant may be had only upon 9842
a determination by the director of administrative services that 9843
such sale would be in the best interests of the state. 9844

Any deed of conveyance issued under authority of this section 9845
shall be subject to existing easements, rights-of-way, and legal 9846
highways. 9847

Net sale proceeds shall be credited to the general revenue 9848
fund except when the rights disposed of were entrusted to the 9849
state for school or religious purposes. 9850

Sec. ~~1509.70~~ 155.30. As used in sections ~~1509.70~~ 155.30 to 9851
~~1509.77~~ 155.36 of the Revised Code+ 9852

~~(A) "Class 1 property" means property owned or controlled by 9853
a state agency concerning which there are no encumbrances or deed 9854
restrictions that limit the exploration or drilling for oil or gas 9855
on the property. 9856~~

~~(B) "Class 2 property" means property that is owned or 9857
controlled by a state university or college or that is owned or 9858
controlled by another state agency concerning which there is a 9859
federal encumbrance or monetary interest that limits or prohibits 9860
the exploration or drilling for oil or gas on the property. 9861~~

~~(C) "Class 3 property" means property owned or controlled by 9862
a state agency to which all of the following apply: 9863~~

~~(1) The property is not a class 2 or class 4 property. 9864~~

~~(2) The property is of insufficient size or shape to meet the 9865
requirements for drilling a well on the property established under 9866
section 1509.24 or 1509.25 of the Revised Code. 9867~~

~~(3) The property is necessary for pooling with other parcels 9868
of property for the purpose of forming a drilling unit in order to 9869
meet the requirements for drilling a well established under 9870
section 1509.24 or 1509.25 of the Revised Code. 9871~~

~~(D) "Class 4 property" means property owned or controlled by 9872
a state agency concerning which there is a provision in the deed 9873
that limits the exploration or drilling for oil or gas on the 9874
property. 9875~~

~~(E) "Formation" means any of the following: 9876~~

~~(1) The distance from the surface of the land to the top of 9877
the Onondaga limestone; 9878~~

~~(2) The distance from the top of the Onondaga limestone to 9879
the bottom of the Queenston formation; 9880~~

~~(3) The distance from the bottom of the Queenston formation 9881
to the top of the Trenton limestone; 9882~~

~~(4) The distance from the top of the Trenton limestone to the 9883
top of the Knox formation; 9884~~

~~(5) The distance from the top of the Knox formation to the 9885
basement rock. 9886~~

~~(F)~~, "State state agency" means both of the following: 9887

~~(1)~~(A) "State agency" as defined in section 1.60 of the 9888
Revised Code; 9889

~~(2)~~(B) "State university or college" as defined in section 9890
3345.12 of the Revised Code. 9891

Sec. ~~1509.71~~ 155.31. (A) It is the policy of the state to 9892
~~provide access to and support~~ promote the exploration for, 9893
development of, and production of oil and natural gas resources 9894
owned or controlled by the state in an effort to use the state's 9895
natural resources responsibly. 9896

(B) There is hereby created the oil and gas ~~leasing land~~ 9897
management commission consisting of the ~~chief of the division of~~ 9898
~~geological survey~~ director of natural resources or the director's 9899
designee and the following four members appointed by the governor: 9900

(1) Two members ~~from a list of not less than four persons~~ 9901
with knowledge or experience in the oil and gas industry 9902
recommended by a statewide organization representing the oil and 9903
gas industry; 9904

(2) One member of the public with expertise in finance or 9905
real estate; 9906

(3) One member representing a statewide environmental or 9907
conservation organization. 9908

(C) Initial appointments shall be made to the commission not 9909
later than thirty days after ~~the effective date of this section~~ 9910
September 30, 2011. Of the initial members appointed to the 9911
commission, one shall serve a term of two years, one shall serve a 9912
term of three years, one shall serve a term of four years, and one 9913
shall serve a term of five years. Thereafter, terms of office of 9914
members shall be for five years from the date of appointment. Each 9915
member appointed by the governor shall hold office from the date 9916

of appointment until the end of the term for which the member was 9917
appointed. The governor shall fill a vacancy occurring on the 9918
commission by appointing a member within sixty days after the 9919
vacancy occurs. A member appointed to fill a vacancy occurring 9920
prior to the expiration of the term for which the member's 9921
predecessor was appointed shall hold office for the remainder of 9922
that term. A member shall continue in office subsequent to the 9923
expiration date of the member's term until the member's successor 9924
takes office, or until a period of sixty days has elapsed, 9925
whichever occurs first. 9926

(D) Three members constitute a quorum of the commission, and 9927
no action of the commission is valid unless it has the concurrence 9928
of at least three members. The commission shall keep a record of 9929
its proceedings. ~~The chief of the division of geological survey~~ 9930
director of natural resources or the director's designee shall 9931
serve as the chairperson of the commission. 9932

(E) The governor may remove an appointed member from the 9933
commission for inefficiency, malfeasance, misfeasance, or 9934
nonfeasance. 9935

(F) Members of the commission shall receive no compensation, 9936
but shall be reimbursed for their actual and necessary expenses 9937
incurred in the course of the performance of their duties as 9938
members of the commission. 9939

(G) ~~The department of natural resources~~ Not later than ninety 9940
days after the effective date of this amendment, the commission 9941
shall ~~furnish~~ hire at least one staff member to provide clerical, 9942
~~technical, legal,~~ and other services required by the commission in 9943
the performance of its duties. 9944

Sec. 1509.72 155.32. ~~(A) A state agency shall submit to the~~ 9945
~~oil and gas leasing commission an inventory of each parcel of land~~ 9946
~~that is owned or controlled by the agency. The inventory shall~~ 9947

~~classify each parcel as a class 1, class 2, class 3, or class 4
property. The commission may request a state agency to submit
documentation supporting the classification of each parcel of
land.~~ 9948
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~~(B) Not later than ninety days after the acquisition of a
parcel of state land occurring after the effective date of this
section, the state agency that owns or controls the parcel shall
classify the parcel in the same manner that parcels are classified
under division (A) of this section.~~ 9952
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~~(C) The department of natural resources shall post on the
department's web site a listing of each parcel of state land and
the classification assigned to the parcel under this section. The
commission shall provide to the department the information
necessary for the department to comply with this division.~~ 9957
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~~(D) Not later than two hundred seventy days after the
effective date of this section, the director of natural resources
shall adopt rules in accordance with Chapter 119. of the Revised
Code establishing The oil and gas land management commission shall
establish procedures and requirements for publishing notice on the
department's commission's web site of each nomination received by
the commission under section ~~1509.73~~ 155.33 of the Revised Code
for a period of not less than twenty-one days prior to the
commission's approval or disapproval of each nomination. The
notification shall identify the parcel of land that is the subject
of a nomination and include a statement that a person may submit
comments to the commission concerning the nomination. ~~The~~
~~commission shall provide to the department the information~~
~~necessary for the department to comply with this division.~~ 9962
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Sec. ~~1509.73~~ 155.33. (A)(1) Beginning on September 30, 2011, 9976
and ending on the effective date of the rules adopted under 9977

section ~~1509.74~~ 155.34 of the Revised Code, a state agency, ~~in~~ 9978
~~consultation with the oil and gas leasing commission, may lease a~~ 9979
~~formation within~~ shall lease, on terms that are just and 9980
reasonable as determined by custom and practice in the oil and gas 9981
industry, a parcel of land that is owned or controlled by the 9982
state agency for the exploration for and development and 9983
production of oil or natural gas. ~~The state agency shall establish~~ 9984
~~bid fees, signing fees, rentals, and at least a one-eighth~~ 9985
~~landowner royalty.~~ On and after the effective date of the rules 9986
adopted under section ~~1509.74~~ 155.34 of the Revised Code, a 9987
~~formation within~~ a parcel of land that is owned or controlled by a 9988
state agency may be leased for the exploration for and development 9989
and production of oil or natural gas only in accordance with 9990
divisions (A)(2) to (H) of this section and those rules. 9991

(2) ~~Not earlier than two hundred seventy days after September~~ 9992
~~30, 2011, a person that is an owner and~~ On and after the effective 9993
date of rules adopted under section 155.34 of the Revised Code, 9994
any person or state agency that is interested in leasing a 9995
~~formation within~~ a parcel of land that is owned or controlled by a 9996
state agency for the exploration for and the development and 9997
production of oil or natural gas may submit to the oil and gas 9998
~~leasing~~ land management commission a nomination that identifies 9999
the parcel of land for lease. A person submitting a nomination 10000
shall submit it in the manner and form established in rules 10001
adopted under section ~~1509.74~~ 155.34 of the Revised Code and shall 10002
include with the nomination ~~both~~ all of the following: 10003

(a) The information required by ~~those rules~~ that section; 10004

(b) The nomination fee established ~~in those rules~~ under that 10005
section; 10006

(c) The opinion of an attorney licensed in this state, 10007
prepared not earlier than one year immediately preceding the 10008

nomination date, explaining the status of title of the mineral 10009
rights underlying the parcel of land nominated. 10010

(B)(1) Not less than thirty days, but not more than ~~one~~ 10011
~~hundred twenty ninety~~ days following the receipt of a nomination 10012
of a parcel of land, the commission shall conduct a meeting for 10013
the purpose of determining whether to approve or disapprove the 10014
nomination for the purpose of leasing a ~~formation within the~~ 10015
parcel of land that is identified in the nomination. ~~The~~ 10016
~~commission also shall review the nomination of the parcel of land~~ 10017
~~and determine if the parcel of land has been classified under~~ 10018
~~section 1509.72 of the Revised Code. If the parcel of land that is~~ 10019
~~the subject of the nomination has not been classified, the~~ 10020
~~commission immediately shall send a copy of the nomination to the~~ 10021
~~state agency that owns or controls the parcel that is the subject~~ 10022
~~of the nomination. Not later than fifteen days after receipt of a~~ 10023
~~copy of the nomination, the state agency shall classify the parcel~~ 10024
~~of land as a class 1, class 2, class 3, or class 4 property and~~ 10025
~~submit the classification to the commission. On receipt of the~~ 10026
~~state agency's classification of the parcel of land, the~~ 10027
~~commission shall provide the department of natural resources the~~ 10028
~~information necessary for the department to comply with divisions~~ 10029
~~(C) and (D) of section 1509.72 of the Revised Code.~~ 10030

~~After a parcel of land that is the subject of a nomination~~ 10031
~~has been classified under section 1509.72 of the Revised Code or~~ 10032
~~division (B)(1) of this section, as applicable, the commission~~ 10033
~~shall approve or disapprove the nomination. In making its decision~~ 10034
~~to approve or disapprove the nomination of the parcel of land, the~~ 10035
~~commission shall consider all of the following:~~ 10036

(a) The economic benefits, including the potential income 10037
from an oil or natural gas operation, that would result if the 10038
lease ~~of a formation~~ that is the subject of the nomination were 10039
approved; 10040

- (b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination; 10041
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- (c) The environmental impact that would result if the lease ~~of a formation~~ that is the subject of the nomination were approved; 10044
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- (d) Any potential adverse geological impact that would result if the lease ~~of a formation~~ that is the subject of the nomination were approved; 10047
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- (e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination; 10050
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- (f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a ~~formation within~~ a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed; 10052
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- (g) Any comments or objections to the nomination submitted to the commission by the state agency that owns or controls the land on which the proposed oil or natural gas operation would take place; 10057
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- (h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination; 10061
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- (i) ~~Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code~~ Any special terms and conditions the state agency included in its comments or objections that the state agency believes are appropriate for the lease of the parcel of land because of specific conditions related to that parcel of land. 10064
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- (2) ~~The commission shall disapprove a nomination of a parcel~~ 10070

~~of land that is a class 3 property. The commission shall send notice of the disapproval by certified mail to the person that submitted the nomination.~~

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~~(3) Prior to making its decision to approve or disapprove a nomination, the commission shall notify the state agency that owns or controls the land on which the oil or gas operation would take place.~~

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~~(4)(3) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the commission shall be sent by certified mail to the person that submitted the nomination.~~

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~~(5) If the commission approves a nomination, the commission shall notify the state agency that owns or controls the parcel of land that is the subject of a nomination of the commission's approval of the nomination. The notification shall request the state agency to submit to the commission special terms and conditions that will apply to the lease of a formation within the parcel of land because of specific conditions related to the parcel of land. The state agency shall submit the special terms and conditions not later than sixty days after receipt of a notice from the commission.~~

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~~(6) If the commission approves a nomination for a parcel of land that is a class 1 property, the commission shall offer for lease each formation that is within the parcel of land. If the commission approves a nomination for a parcel of land that is a class 2 or class 4 property, the commission shall not offer for lease any formation that is within the parcel of land unless the state agency that owns or controls the parcel of land notifies the commission that a formation or formations that are within the parcel of land may be offered for lease.~~

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(C) Each calendar quarter, the commission shall proceed to
advertise for bids for a lease for a ~~formation within~~ a parcel of
land that was the subject of a nomination approved during the
previous calendar quarter ~~that is a class 1 property or that is a~~
~~class 2 or class 4 property for which the commission has received~~
~~notice from the state agency that owns or controls the parcel of~~
~~land under division (B)(6) of this section that a formation or~~
~~formations that are within the parcel of land may be offered for~~
lease. The advertisement shall be provided to the department of
natural resources, and the department commission shall publish the
advertisement on its web site for a period of time established by
the commission. The advertisement shall include all of the
following:

(1) The procedure for the submission of a bid to enter into a
lease for a ~~formation within a~~ the parcel of land;

(2) A statement that a standard lease form that is consistent
with the practices of the oil and natural gas industries will be
used for the lease of a ~~formation within~~ the parcel of land;

(3) A copy of the standard lease form that will be used for
the lease of a ~~formation within~~ the parcel of land;

(4) ~~Special~~ Any special terms and conditions, ~~if applicable,~~
that may apply to the lease because of specific conditions related
to the parcel of land;

(5) The amount of the bid fee that is required to be
submitted with a bid;

(6) Any other information that the commission considers
pertinent to the advertisement for bids.

(D) A person submitting a bid to enter into a lease under
this section shall pay a bid fee established in rules adopted
under section ~~1509.74~~ 155.34 of the Revised Code.

(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section shall be confidential and shall not be disclosed before a person is selected under division (F) of this section unless the commission determines otherwise.

(F) The commission shall establish a deadline for the submission of bids for each lease regarding a particular parcel of land and shall ~~notify the department of the deadline. The department shall~~ post the deadline for the submission of bids for each lease on the ~~department's~~ commission's web site. A person shall submit a bid in accordance with the procedures and requirements established by the commission in rules adopted under section ~~1509.74~~ 155.34 of the Revised Code.

The commission shall select the person who submits the highest and best bid ~~for each formation within that parcel of land,~~ taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission.

~~(G)(1) Except as otherwise provided in division (G)(2) of this section, all~~ All money received by a state agency from ~~signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.~~

~~(2) Money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section on land owned or controlled by the division of forestry,~~

~~wildlife, or parks and watercraft in the department of natural
resources shall be deposited into one of the following funds, as
applicable:~~

~~(a) The forestry mineral royalties fund created in section
1503.012 of the Revised Code if the lease pertains to land owned
or controlled by the division of forestry;~~

~~(b) The wildlife habitat fund created in section 1531.33 of
the Revised Code if the lease pertains to land owned or controlled
by the division of wildlife;~~

~~(c) The parks mineral royalties fund created in section
1546.24 of the Revised Code if the lease pertains to land owned or
controlled by the division of parks and watercraft.~~

~~(H) All money received from nomination fees and bid fees
shall be paid into the state treasury to the credit of the oil and
gas leasing land management commission administration fund created
in section ~~1509.75~~ 155.35 of the Revised Code.~~

~~(I)(H) Notwithstanding any other provision of this section to
the contrary, a nature preserve as defined in section 1517.01 of
the Revised Code that is owned or controlled by a state agency
shall not be nominated or leased under this section for the
purpose of exploring for and developing and producing oil and
natural gas resources.~~

Sec. ~~1509.74~~ 155.34. (A) Not later than two hundred seventy
days after the effective date of this ~~section~~ amendment, the oil
and gas leasing land management commission shall adopt rules in
accordance with Chapter 119. of the Revised Code establishing all
of the following:

~~(A)(1)~~ (1) The form of and the information to be included in
nominations that are submitted under section ~~1509.73~~ 155.33 of the
Revised Code;

~~(B)(2)~~ Procedures for the submission of nominations to the commission and the amount of nomination fees to be charged. The rules shall require that if a person who has paid a nomination fee does not enter into a lease regarding the parcel of land that the person nominated, the fee shall be refunded to the person, and, if applicable, the person that enters into the lease shall pay the nomination fee. In addition, the rules shall provide that a state agency is exempt from nomination fees and that a person who enters into a lease regarding a parcel of land nominated by a state agency shall pay the nomination fee.

~~(C) Factors that the commission may consider when determining whether to approve or disapprove a nomination submitted under section 1509.73 of the Revised Code;~~

~~(D)(3)~~ Procedures and requirements for the submission of bids for a lease under section ~~1509.73~~ 155.33 of the Revised Code;

~~(E)(4)~~ The amount of bid fees to be charged for the submission of bids to enter into leases under section ~~1509.73~~ 155.33 of the Revised Code;

~~(F)(5)~~ A standard lease form that shall be used by a state agency for leases entered into under this chapter that is consistent with the practices of the oil and natural gas industries and that contains ~~at~~ all of the following:

(a) A prohibition against the use of the surface of the parcel of land for oil and gas development without the execution by the state agency of a standard surface use agreement established under this section;

(b) At least a one-eighth landowner royalty, ~~which standard lease form shall be used by a state agency for leases entered into under section 1509.73 of the Revised Code;~~

(c) A limited warranty of title by the state agency to the lessee.

~~(G)(6)~~ A standard surface use agreement form that a state agency shall use to authorize the use of the surface of a leased parcel of land. 10225
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(7) Any other procedures and requirements that the commission determines necessary to implement sections ~~1509.70~~ 155.30 to ~~1509.77~~ 155.36 of the Revised Code. 10228
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(B) Section 121.95 of the Revised Code does not apply to rules adopted under this section and the commission is not subject to any requirements of that section. 10231
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Sec. ~~1509.75~~ 155.35. There is hereby created in the state treasury the oil and gas ~~leasing~~ land management commission administration fund consisting of ~~the proceeds of nomination fees and bid fees~~ all money credited to it under section ~~1509.73~~ 155.33 of the Revised Code. Money in the fund shall be used by the oil and gas ~~leasing~~ land management commission and the department of natural resources to pay the administrative expenses of the commission and the department regarding the implementation of sections ~~1509.70~~ 155.30 to ~~1509.77~~ 155.36 of the Revised Code. Money in the fund also shall be used to pay the actual and necessary expenses incurred by members of the commission in the course of the performance of their duties. 10234
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Sec. ~~1509.77~~ 155.36. A state agency that owns or controls a parcel of land ~~that is a class 3 property~~ for which a nomination for that land has been denied under section ~~1509.73~~ 155.33 of the Revised Code may enter into written agreements to use that parcel of land to form a drilling unit that conforms to the minimum acreage and distance requirements established under section 1509.24 or 1509.25 of the Revised Code. 10246
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Sec. 163.62. (A) The court having jurisdiction of a proceeding instituted by a state agency to acquire real property 10253
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by condemnation shall award the owner of any right, or title to, 10255
or interest in, such real property such sum as will in the opinion 10256
of the court reimburse such owner for the owner's reasonable 10257
costs, disbursements, and expenses, including reasonable attorney, 10258
appraisal, and engineering fees actually incurred because of the 10259
condemnation proceeding, as provided in division (G) of section 10260
163.09 or division (A) or (C) of section 163.21 of the Revised 10261
Code, as applicable. 10262

(B) The court having jurisdiction of an inverse condemnation 10263
proceeding shall award the owner of any right, or title to, or 10264
interest in, such real property such sum as will in the opinion of 10265
the court reimburse such owner for the owner's reasonable costs, 10266
disbursements, and expenses, including reasonable attorney, 10267
appraisal, and engineering fees actually incurred because of the 10268
inverse condemnation proceeding, if the court renders a judgment 10269
in favor of the owner or the agency effects a settlement of the 10270
proceeding. As used in this division, "court" means the court of 10271
common pleas, the court of appeals, or the supreme court. 10272

(C) Any award made pursuant to division (A) or (B) of this 10273
section shall be paid by the head of the agency for whose benefit 10274
the condemnation proceeding was instituted. 10275

Sec. 166.01. As used in this chapter: 10276

(A) "Allowable costs" means all or part of the costs of 10277
project facilities, eligible projects, eligible innovation 10278
projects, eligible research and development projects, eligible 10279
advanced energy projects, or eligible logistics and distribution 10280
projects, including costs of acquiring, constructing, 10281
reconstructing, rehabilitating, renovating, enlarging, improving, 10282
equipping, or furnishing project facilities, eligible projects, 10283
eligible innovation projects, eligible research and development 10284
projects, eligible advanced energy projects, or eligible logistics 10285

and distribution projects, site clearance and preparation, 10286
supplementing and relocating public capital improvements or 10287
utility facilities, designs, plans, specifications, surveys, 10288
studies, and estimates of costs, expenses necessary or incident to 10289
determining the feasibility or practicability of assisting an 10290
eligible project, an eligible innovation project, an eligible 10291
research and development project, an eligible advanced energy 10292
project, or an eligible logistics and distribution project, or 10293
providing project facilities or facilities related to an eligible 10294
project, an eligible innovation project, an eligible research and 10295
development project, an eligible advanced energy project, or an 10296
eligible logistics and distribution project, architectural, 10297
engineering, and legal services fees and expenses, the costs of 10298
conducting any other activities as part of a voluntary action, and 10299
such other expenses as may be necessary or incidental to the 10300
establishment or development of an eligible project, an eligible 10301
innovation project, an eligible research and development project, 10302
an eligible advanced energy project, or an eligible logistics and 10303
distribution project, and reimbursement of moneys advanced or 10304
applied by any governmental agency or other person for allowable 10305
costs. 10306

(B) "Allowable innovation costs" includes allowable costs of 10307
eligible innovation projects and, in addition, includes the costs 10308
of research and development of eligible innovation projects; 10309
obtaining or creating any requisite software or computer hardware 10310
related to an eligible innovation project or the products or 10311
services associated therewith; testing (including, without 10312
limitation, quality control activities necessary for initial 10313
production), perfecting, and marketing of such products and 10314
services; creating and protecting intellectual property related to 10315
an eligible innovation project or any products or services related 10316
thereto, including costs of securing appropriate patent, 10317
trademark, trade secret, trade dress, copyright, or other form of 10318

intellectual property protection for an eligible innovation 10319
project or related products and services; all to the extent that 10320
such expenditures could be capitalized under then-applicable 10321
generally accepted accounting principles; and the reimbursement of 10322
moneys advanced or applied by any governmental agency or other 10323
person for allowable innovation costs. 10324

(C) "Eligible innovation project" includes an eligible 10325
project, including any project facilities associated with an 10326
eligible innovation project and, in addition, includes all 10327
tangible and intangible property related to a new product or 10328
process based on new technology or the creative application of 10329
existing technology, including research and development, product 10330
or process testing, quality control, market research, and related 10331
activities, that is to be acquired, established, expanded, 10332
remodeled, rehabilitated, or modernized for industry, commerce, 10333
distribution, or research, or any combination thereof, the 10334
operation of which, alone or in conjunction with other eligible 10335
projects, eligible innovation projects, or innovation property, 10336
will create new jobs or preserve existing jobs and employment 10337
opportunities and improve the economic welfare of the people of 10338
the state. 10339

(D) "Eligible project" means project facilities to be 10340
acquired, established, expanded, remodeled, rehabilitated, or 10341
modernized for industry, commerce, distribution, or research, or 10342
any combination thereof, the operation of which, alone or in 10343
conjunction with other facilities, will create new jobs or 10344
preserve existing jobs and employment opportunities and improve 10345
the economic welfare of the people of the state. "Eligible 10346
project" includes, without limitation, a voluntary action. For 10347
purposes of this division, "new jobs" does not include existing 10348
jobs transferred from another facility within the state, and 10349
"existing jobs" includes only those existing jobs with work places 10350

within the municipal corporation or unincorporated area of the 10351
county in which the eligible project is located. 10352

"Eligible project" does not include project facilities to be 10353
acquired, established, expanded, remodeled, rehabilitated, or 10354
modernized for industry, commerce, distribution, or research, or 10355
any combination of industry, commerce, distribution, or research, 10356
if the project facilities consist solely of 10357
point-of-final-purchase retail facilities. If the project 10358
facilities consist of both point-of-final-purchase retail 10359
facilities and nonretail facilities, only the portion of the 10360
project facilities consisting of nonretail facilities is an 10361
eligible project. If a warehouse facility is part of a 10362
point-of-final-purchase retail facility and supplies only that 10363
facility, the warehouse facility is not an eligible project. 10364
Catalog distribution facilities are not considered 10365
point-of-final-purchase retail facilities for purposes of this 10366
paragraph, and are eligible projects. 10367

(E) "Eligible research and development project" means an 10368
eligible project, including project facilities, comprising, 10369
within, or related to, a facility or portion of a facility at 10370
which research is undertaken for the purpose of discovering 10371
information that is technological in nature and the application of 10372
which is intended to be useful in the development of a new or 10373
improved product, process, technique, formula, or invention, a new 10374
product or process based on new technology, or the creative 10375
application of existing technology. 10376

(F) "Financial assistance" means inducements under division 10377
(B) of section 166.02 of the Revised Code, loan guarantees under 10378
section 166.06 of the Revised Code, and direct loans under section 10379
166.07 of the Revised Code. 10380

(G) "Governmental action" means any action by a governmental 10381
agency relating to the establishment, development, or operation of 10382

an eligible project, eligible innovation project, eligible 10383
research and development project, eligible advanced energy 10384
project, or eligible logistics and distribution project, and 10385
project facilities that the governmental agency acting has 10386
authority to take or provide for the purpose under law, including, 10387
but not limited to, actions relating to contracts and agreements, 10388
zoning, building, permits, acquisition and disposition of 10389
property, public capital improvements, utility and transportation 10390
service, taxation, employee recruitment and training, and liaison 10391
and coordination with and among governmental agencies. 10392

(H) "Governmental agency" means the state and any state 10393
department, division, commission, institution or authority; a 10394
municipal corporation, county, or township, and any agency 10395
thereof, and any other political subdivision or public corporation 10396
or the United States or any agency thereof; any agency, 10397
commission, or authority established pursuant to an interstate 10398
compact or agreement; and any combination of the above. 10399

(I) "Innovation financial assistance" means inducements under 10400
division (B) of section 166.12 of the Revised Code, innovation 10401
Ohio loan guarantees under section 166.15 of the Revised Code, and 10402
innovation Ohio loans under section 166.16 of the Revised Code. 10403

(J) "Innovation Ohio loan guarantee reserve requirement" 10404
means, at any time, with respect to innovation loan guarantees 10405
made under section 166.15 of the Revised Code, a balance in the 10406
innovation Ohio loan guarantee fund equal to the greater of twenty 10407
per cent of the then-outstanding principal amount of all 10408
outstanding innovation loan guarantees made pursuant to section 10409
166.15 of the Revised Code or fifty per cent of the principal 10410
amount of the largest outstanding guarantee made pursuant to 10411
section 166.15 of the Revised Code. 10412

(K) "Innovation property" includes property and also includes 10413
software, inventory, licenses, contract rights, goodwill, 10414

intellectual property, including without limitation, patents, 10415
patent applications, trademarks and service marks, and trade 10416
secrets, and other tangible and intangible property, and any 10417
rights and interests in or connected to the foregoing. 10418

(L) "Loan guarantee reserve requirement" means, at any time, 10419
with respect to loan guarantees made under section 166.06 of the 10420
Revised Code, a balance in the loan guarantee fund equal to the 10421
greater of twenty per cent of the then-outstanding principal 10422
amount of all outstanding guarantees made pursuant to section 10423
166.06 of the Revised Code or fifty per cent of the principal 10424
amount of the largest outstanding guarantee made pursuant to 10425
section 166.06 of the Revised Code. 10426

(M) "Person" means any individual, firm, partnership, 10427
association, corporation, or governmental agency, and any 10428
combination thereof. 10429

(N) "Project facilities" means buildings, structures, and 10430
other improvements, and equipment and other property, excluding 10431
small tools, supplies, and inventory, and any one, part of, or 10432
combination of the above, comprising all or part of, or serving or 10433
being incidental to, an eligible project, an eligible innovation 10434
project, an eligible research and development project, an eligible 10435
advanced energy project, or an eligible logistics and distribution 10436
project, including, but not limited to, public capital 10437
improvements. 10438

(O) "Property" means real and personal property and interests 10439
therein. 10440

(P) "Public capital improvements" means capital improvements 10441
or facilities that any governmental agency has authority to 10442
acquire, pay the costs of, own, maintain, or operate, or to 10443
contract with other persons to have the same done, including, but 10444
not limited to, highways, roads, streets, water and sewer 10445

facilities, railroad and other transportation facilities, and air 10446
and water pollution control and solid waste disposal facilities. 10447
For purposes of this division, "air pollution control facilities" 10448
includes, without limitation, solar, geothermal, biofuel, biomass, 10449
wind, hydro, wave, and other advanced energy projects as defined 10450
in section 3706.25 of the Revised Code. 10451

(Q) "Research and development financial assistance" means 10452
inducements under section 166.17 of the Revised Code, research and 10453
development loans under section 166.21 of the Revised Code, and 10454
research and development tax credits under sections 5733.352 and 10455
5747.331 of the Revised Code. 10456

(R) "Targeted innovation industry sectors" means industry 10457
sectors involving the production or use of advanced materials, 10458
instruments, controls and electronics, power and propulsion, 10459
biosciences, and information technology, or such other sectors as 10460
may be designated by the director of development ~~services~~. 10461

(S) "Voluntary action" means a voluntary action, as defined 10462
in section 3746.01 of the Revised Code, that is conducted under 10463
the voluntary action program established in Chapter 3746. of the 10464
Revised Code. 10465

(T) "Project financing obligations" means obligations issued 10466
pursuant to section 166.08 of the Revised Code other than 10467
obligations for which the bond proceedings provide that bond 10468
service charges shall be paid from receipts of the state 10469
representing gross profit on the sale of spirituous liquor as 10470
referred to in division (B)(4) of section 4310.10 of the Revised 10471
Code. 10472

(U) "Regional economic development entity" means an entity 10473
that is under contract with the director to administer a loan 10474
program under this chapter in a particular area of this state. 10475

(V) "Eligible advanced energy project" means an eligible 10476

project that is an "advanced energy project" as defined in section 10477
3706.25 of the Revised Code. 10478

(W) "Eligible logistics and distribution project" means an 10479
eligible project, including project facilities, to be acquired, 10480
established, expanded, remodeled, rehabilitated, or modernized for 10481
transportation logistics and distribution infrastructure purposes. 10482
As used in this division, "transportation logistics and 10483
distribution infrastructure purposes" means promoting, providing 10484
for, and enabling improvements to the ground, air, and water 10485
transportation infrastructure comprising the transportation system 10486
in this state, including, without limitation, highways, streets, 10487
roads, bridges, railroads carrying freight, and air and water 10488
ports and port facilities, and all related supporting facilities. 10489

~~(X) "Department of development" means the development 10490
services agency and "director of development" means the director 10491
of development services. 10492~~

Sec. 166.03. (A) There is hereby created the facilities 10493
establishment fund within the state treasury, consisting of 10494
proceeds from the issuance of obligations as specified under 10495
section 166.08 of the Revised Code; the moneys received by the 10496
state from the sources specified in section 166.09 of the Revised 10497
Code; service charges imposed under sections 166.06 and 166.07 of 10498
the Revised Code; any grants, gifts, or contributions of moneys 10499
received by the director of development ~~services~~ to be used for 10500
loans made under section 166.07 of the Revised Code or for the 10501
payment of the allowable costs of project facilities; and all 10502
other moneys appropriated or transferred to the fund. Moneys in 10503
the loan guarantee fund in excess of the loan guarantee reserve 10504
requirement, but subject to the provisions and requirements of any 10505
guarantee contracts, may be transferred to the facilities 10506
establishment fund by the treasurer of state upon the order of the 10507

director of development ~~services~~. Moneys received by the state 10508
under Chapter 122. of the Revised Code, to the extent allocable to 10509
the utilization of moneys derived from proceeds of the sale of 10510
obligations pursuant to section 166.08 of the Revised Code, shall 10511
be credited to the facilities establishment fund. All investment 10512
earnings on the cash balance in the fund shall be credited to the 10513
fund. 10514

(B) All moneys appropriated or transferred to the facilities 10515
establishment fund may be released at the request of the director 10516
of development ~~services~~ for payment of allowable costs or the 10517
making of loans under section 166.07 of the Revised Code, for 10518
transfer to the loan guarantee fund established in section 166.06 10519
of the Revised Code, or for use for the purpose of or transfer to 10520
the funds established by sections 122.35, 122.42, 122.54, 122.55, 10521
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 10522
and, until July 1, 2003, the fund established by section 166.031 10523
of the Revised Code, and, until July 1, 2007, the fund established 10524
by section 122.26 of the Revised Code, but only for such of those 10525
purposes as are within the authorization of Section 13 of Article 10526
VIII, Ohio Constitution, in all cases subject to the approval of 10527
the controlling board. 10528

(C) The department of development ~~services agency~~, in the 10529
administration of the facilities establishment fund, is encouraged 10530
to utilize and promote the utilization of, to the maximum 10531
practicable extent, the other existing programs, business 10532
incentives, and tax incentives that department is required or 10533
authorized to administer or supervise. 10534

Sec. 166.27. (A) As used in this section, "minority" has the 10535
same meaning as in section 184.17 of the Revised Code, except that 10536
the individual must be a resident of this state. The term also 10537
includes an economically disadvantaged individual who is a 10538

resident of this state. 10539

(B) The director of development shall conduct outreach 10540
activities in Ohio that seek to include minorities in the loan 10541
program for logistics and distribution projects established under 10542
section 166.25 of the Revised Code. The outreach activities shall 10543
include the following, when appropriate: 10544

(1) Identifying and partnering with historically black 10545
colleges and universities; 10546

(2) Working with all institutions of higher education in the 10547
state to support minority faculty and students involved in 10548
logistics and distribution fields; 10549

(3) Developing a plan to contact by telephone minority-owned 10550
businesses and entrepreneurs and other economically disadvantaged 10551
businesses to notify them of opportunities to participate in the 10552
loan program for logistics and distribution projects; 10553

(4) Identifying minority professional and technical trade 10554
associations and economic development assistance organizations and 10555
notifying them of the loan program for logistics and distribution 10556
projects; 10557

(5) Partnering with regional councils to foster local efforts 10558
to support minority-owned businesses or otherwise identify 10559
networks of minority-owned businesses, entrepreneurs, and 10560
individuals operating locally; 10561

(6) Identifying minority firms and notifying them of the 10562
opportunities that exist within the investment community, 10563
including the Ohio venture capital authority created under section 10564
150.02 of the Revised Code. 10565

(C) The director shall publish an annual report that includes 10566
all of the following: 10567

(1) Details of loans awarded for logistics and distribution 10568

projects;	10569
(2) The status of loan recipients' projects funded in previous years;	10570 10571
(3) The amount of loans awarded for projects in economically distressed areas, and if possible to ascertain, the impact of the loans to those areas.	10572 10573 10574
(D) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section 123.152 <u>122.922</u> of the Revised Code.	10575 10576 10577
Sec. 167.03. (A) The council shall have the power to:	10578
(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;	10579 10580 10581 10582
(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;	10583 10584 10585 10586
(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;	10587 10588 10589
(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;	10590 10591 10592
(5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;	10593 10594
(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.	10595 10596 10597

(B) The council may:	10598
(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;	10599 10600 10601 10602
(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;	10603 10604 10605 10606 10607 10608
(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.	10609 10610 10611 10612
(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.	10613 10614 10615 10616 10617
(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.	10618 10619 10620 10621
(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 <u>do either of the following:</u>	10622 10623 10624 10625
<u>(1) Contract</u> to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code. A council operating a program	10626 10627 10628

under this division that does not act as an administrator as 10629
defined in section 3959.01 of the Revised Code does not constitute 10630
engaging in the business of insurance and is not subject to the 10631
insurance laws of this state. 10632

(2) Acquire, establish, manage, or operate a separate 10633
business entity, including a corporation, company, organization, 10634
partnership, or trust, and utilize its unencumbered reserve funds 10635
in the acquisition, establishment, management, or operation of the 10636
business entity to the extent approved by the council's governing 10637
board and so long as the council remains sufficiently reserved, in 10638
the exercise of sound and prudent actuarial judgment, to cover the 10639
potential cost of health care benefits for the council members' 10640
officers and employees and their dependents. 10641

Sec. 169.05. (A) Every holder required to file a report under 10642
section 169.03 of the Revised Code shall, at the time of filing, 10643
pay to the director of commerce ten per cent of the aggregate 10644
amount of unclaimed funds as shown on the report, except for 10645
aggregate amounts of fifty dollars or less in which case one 10646
hundred per cent shall be paid. The funds may be deposited by the 10647
director in the state treasury to the credit of the unclaimed 10648
funds trust fund, which is hereby created, or placed with a 10649
financial organization. Any interest earned on money in the trust 10650
fund shall be credited to the trust fund. The remainder of the 10651
aggregate amount of unclaimed funds as shown on the report, plus 10652
earnings accrued to date of payment to the director, shall, at the 10653
option of the director, be retained by the holder or paid to the 10654
director for deposit as agent for the mortgage funds with a 10655
financial organization as defined in section 169.01 of the Revised 10656
Code, with the funds to be in income-bearing accounts to the 10657
credit of the mortgage funds, or the holder may enter into an 10658
agreement with the director specifying the obligations of the 10659
United States in which funds are to be invested, and agree to pay 10660

the interest on the obligations to the state. Holders retaining 10661
any funds not in obligations of the United States shall enter into 10662
an agreement with the director specifying the classification of 10663
income-bearing account in which the funds will be held and pay the 10664
state interest on the funds at a rate equal to the prevailing 10665
market rate for similar funds. Moneys that the holder is required 10666
to pay to the director rather than to retain may be deposited with 10667
the treasurer of state, or placed with a financial organization. 10668

Securities and other intangible property transferred to the 10669
director shall, within a reasonable time, be converted to cash and 10670
the proceeds deposited as provided for other funds. 10671

One-half of the funds evidenced by agreements, in 10672
income-bearing accounts, or on deposit with the treasurer of state 10673
shall be allocated on the records of the director to the mortgage 10674
insurance fund created by section 122.561 of the Revised Code. Out 10675
of the remaining half, after allocation of sufficient moneys to 10676
the minority business bonding fund to meet the provisions of 10677
division (B) of this section, the remainder shall be allocated on 10678
the records of the director to the housing development fund 10679
created by division (A) of section 175.11 of the Revised Code. 10680

(B) The director shall serve as agent for the director of 10681
development and as agent for the Ohio housing finance agency in 10682
making deposits and withdrawals and maintaining records pertaining 10683
to the minority business bonding fund created by section 122.88 of 10684
the Revised Code, the mortgage insurance fund, and the housing 10685
development fund created by section 175.11 of the Revised Code. 10686
Funds from the mortgage insurance fund are available to the 10687
director of development when those funds are to be disbursed to 10688
prevent or cure, or upon the occurrence of, a default of a 10689
mortgage insured pursuant to section 122.451 of the Revised Code. 10690
Funds from the housing development fund are available upon request 10691
to the Ohio housing finance agency, in an amount not to exceed the 10692

funds allocated on the records of the director, for the purposes 10693
of section 175.05 of the Revised Code. Funds from the minority 10694
business bonding fund are available to the director of development 10695
upon request to pay obligations on bonds the director writes 10696
pursuant to section 122.88 of the Revised Code; except that, 10697
unless the general assembly authorizes additional amounts, the 10698
total maximum amount of moneys that may be allocated to the 10699
minority business bonding fund under this division is ten million 10700
dollars. 10701

When funds are to be disbursed, the appropriate agency shall 10702
call upon the director to transfer the necessary funds to it. The 10703
director shall first withdraw the funds paid by the holders and 10704
deposited with the treasurer of state or in a financial 10705
institution as agent for the funds. Whenever these funds are 10706
inadequate to meet the request, the director shall provide for a 10707
withdrawal of funds, within a reasonable time and in the amount 10708
necessary to meet the request, from financial institutions in 10709
which the funds were retained or placed by a holder and from other 10710
holders who have retained funds, in an equitable manner as the 10711
director prescribes. In the event that the amount to be withdrawn 10712
from any one holder is less than five hundred dollars, the amount 10713
to be withdrawn is at the director's discretion. The director 10714
shall then transfer to the agency the amount of funds requested. 10715

Funds deposited in the unclaimed funds trust fund are subject 10716
to call by the director when necessary to pay claims the director 10717
allows under section 169.08 of the Revised Code, in accordance 10718
with the director's rules, to defray the necessary costs of making 10719
publications this chapter requires and to pay other operating and 10720
administrative expenses the department of commerce incurs in the 10721
administration and enforcement of this chapter. 10722

The unclaimed funds trust fund shall be assessed a 10723
proportionate share of the administrative costs of the department 10724

of commerce in accordance with procedures the director of commerce 10725
prescribes ~~and the director of budget and management approves~~. The 10726
assessment shall be paid from the unclaimed funds trust fund to 10727
the division of administration fund. 10728

(C) Earnings on the accounts in financial organizations to 10729
the credit of the mortgage funds shall, at the option of the 10730
financial organization, be credited to the accounts at times and 10731
at rates as earnings are paid on other accounts of the same 10732
classification held in the financial organization or paid to the 10733
director. The director shall be notified annually, and at other 10734
times as the director may request, of the amount of the earnings 10735
credited to the accounts. Interest on unclaimed funds a holder 10736
retains shall be paid to the director or credited as specified in 10737
the agreement under which the organization retains the funds. 10738
Interest payable to the director under an agreement to invest 10739
unclaimed funds in income-bearing accounts or obligations of the 10740
United States shall be paid annually by the holder to the 10741
director. Any earnings or interest the director receives under 10742
this division shall be deposited in and credited to the mortgage 10743
funds. 10744

Sec. 173.012. The department of aging may develop and offer 10745
training programs to area agencies on aging, long-term care 10746
facilities, providers of long-term care services, and other 10747
interested parties. The department may charge fees for the 10748
training programs. Amounts collected from charging the fees shall 10749
be deposited into the state treasury to the credit of the senior 10750
community outreach fund, which is hereby created. Money credited 10751
to the fund may be used by the department to administer this 10752
section and to develop and offer additional training programs. 10753

Sec. 173.38. (A) As used in this section: 10754

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

(3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.

(4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(5) "Consumer" means an individual who receives community-based long-term care services.

(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:

(i) In-person contact with one or more consumers;

(ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.

(8) "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.

(9) "Employee" means a person employed by a responsible party

in a full-time, part-time, or temporary direct-care position and a 10785
person who works in such a position due to being referred to a 10786
responsible party by an employment service. "Employee" does not 10787
include a person who works in a direct-care position as a 10788
volunteer. 10789

(10) "PASSPORT administrative agency" has the same meaning as 10790
in section 173.42 of the Revised Code. 10791

(11) "Provider" has the same meaning as in section 173.39 of 10792
the Revised Code. 10793

(12) "Responsible party" means the following: 10794

(a) An area agency on aging in the case of either of the 10795
following: 10796

(i) A person who is an applicant because the person is under 10797
final consideration for employment with the agency in a full-time, 10798
part-time, or temporary direct-care position or is referred to the 10799
agency by an employment service for such a position; 10800

(ii) A person who is an employee because the person is 10801
employed by the agency in a full-time, part-time, or temporary 10802
direct-care position or works in such a position due to being 10803
referred to the agency by an employment service. 10804

(b) A PASSPORT administrative agency in the case of either of 10805
the following: 10806

(i) A person who is an applicant because the person is under 10807
final consideration for employment with the agency in a full-time, 10808
part-time, or temporary direct-care position or is referred to the 10809
agency by an employment service for such a position; 10810

(ii) A person who is an employee because the person is 10811
employed by the agency in a full-time, part-time, or temporary 10812
direct-care position or works in such a position due to being 10813
referred to the agency by an employment service. 10814

(c) A provider in the case of either of the following:	10815
(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;	10816 10817 10818 10819 10820
(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.	10821 10822 10823 10824
(d) A subcontractor in the case of either of the following:	10825
(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;	10826 10827 10828 10829 10830
(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.	10831 10832 10833 10834
(e) A consumer in the case of either of the following:	10835
(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;	10836 10837 10838 10839 10840 10841 10842
(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary	10843 10844

direct-care position for which the consumer, as the employer of 10845
record, directs the person in the provision of community-based 10846
long-term care services the person provides to the consumer or who 10847
works in such a position due to being referred to the consumer by 10848
an employment service. 10849

(13) "Subcontractor" has the meaning specified in rules 10850
adopted under this section. 10851

(14) "Volunteer" means a person who serves in a direct-care 10852
position without receiving or expecting to receive any form of 10853
remuneration other than reimbursement for actual expenses. 10854

(15) "Waiver agency" has the same meaning as in section 10855
5164.342 of the Revised Code. 10856

(B) This section does not apply to any individual who is 10857
subject to a database review or criminal records check under 10858
section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any 10859
individual who is subject to a criminal records check under 10860
section 3721.121 of the Revised Code. 10861

(C) No responsible party shall employ an applicant or 10862
continue to employ an employee in a direct-care position if any of 10863
the following apply: 10864

(1) A review of the databases listed in division (E) of this 10865
section reveals any of the following: 10866

(a) That the applicant or employee is included in one or more 10867
of the databases listed in divisions (E)(1) to (5) of this 10868
section; 10869

(b) That there is in the state nurse aide registry 10870
established under section 3721.32 of the Revised Code a statement 10871
detailing findings by the director of health that the applicant or 10872
employee abused, neglected, or exploited a long-term care facility 10873
or residential care facility resident or misappropriated property 10874

of such a resident; 10875

(c) That the applicant or employee is included in one or more 10876
of the databases, if any, specified in rules adopted under this 10877
section and the rules prohibit the responsible party from 10878
employing an applicant or continuing to employ an employee 10879
included in such a database in a direct-care position. 10880

(2) After the applicant or employee is provided, pursuant to 10881
division (F)(2)(a) of this section, a copy of the form prescribed 10882
pursuant to division (C)(1) of section 109.572 of the Revised Code 10883
and the standard impression sheet prescribed pursuant to division 10884
(C)(2) of that section, the applicant or employee fails to 10885
complete the form or provide the applicant's or employee's 10886
fingerprint impressions on the standard impression sheet. 10887

(3) Unless the applicant or employee meets standards 10888
specified in rules adopted under this section, the applicant or 10889
employee is found by a criminal records check required by this 10890
section to have been convicted of, pleaded guilty to, or been 10891
found eligible for intervention in lieu of conviction for a 10892
disqualifying offense. 10893

(D) Except as provided by division (G) of this section, the 10894
chief administrator of a responsible party shall inform each 10895
applicant of both of the following at the time of the applicant's 10896
initial application for employment or referral to the responsible 10897
party by an employment service for a direct-care position: 10898

(1) That a review of the databases listed in division (E) of 10899
this section will be conducted to determine whether the 10900
responsible party is prohibited by division (C)(1) of this section 10901
from employing the applicant in the direct-care position; 10902

(2) That, unless the database review reveals that the 10903
applicant may not be employed in the direct-care position, a 10904
criminal records check of the applicant will be conducted and the 10905

applicant is required to provide a set of the applicant's 10906
fingerprint impressions as part of the criminal records check. 10907

(E) As a condition of employing any applicant in a 10908
direct-care position, the chief administrator of a responsible 10909
party shall conduct a database review of the applicant in 10910
accordance with rules adopted under this section. If rules adopted 10911
under this section so require, the chief administrator of a 10912
responsible party shall conduct a database review of an employee 10913
in accordance with the rules as a condition of continuing to 10914
employ the employee in a direct-care position. However, a chief 10915
administrator is not required to conduct a database review of an 10916
applicant or employee if division (G) of this section applies. A 10917
database review shall determine whether the applicant or employee 10918
is included in any of the following: 10919

(1) The excluded parties list system that is maintained by 10920
the United States general services administration pursuant to 10921
subpart 9.4 of the federal acquisition regulation and available at 10922
the federal web site known as the system for award management; 10923

(2) The list of excluded individuals and entities maintained 10924
by the office of inspector general in the United States department 10925
of health and human services pursuant to the "Social Security 10926
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 10927

(3) The registry of developmental disabilities employees 10928
established under section 5123.52 of the Revised Code; 10929

(4) The internet-based sex offender and child-victim offender 10930
database established under division (A)(11) of section 2950.13 of 10931
the Revised Code; 10932

(5) The internet-based database of inmates established under 10933
section 5120.66 of the Revised Code; 10934

(6) The state nurse aide registry established under section 10935
3721.32 of the Revised Code; 10936

(7) Any other database, if any, specified in rules adopted under this section. 10937
10938

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check. 10939
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(2) The chief administrator shall do all of the following: 10968

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives 11000
from the employment service, applicant, or employee a report of 11001
the results of a criminal records check of the applicant or 11002
employee that has been conducted by the superintendent within the 11003
one-year period immediately preceding the following: 11004

(a) In the case of an applicant, the date of the applicant's 11005
referral by the employment service to the responsible party; 11006

(b) In the case of an employee, the date by which the 11007
responsible party would otherwise have to request a criminal 11008
records check of the employee under division (F) of this section. 11009

(H)(1) A responsible party may employ conditionally an 11010
applicant for whom a criminal records check request is required by 11011
this section prior to obtaining the results of the criminal 11012
records check if the responsible party is not prohibited by 11013
division (C)(1) of this section from employing the applicant in a 11014
direct-care position and either of the following applies: 11015

(a) The chief administrator of the responsible party requests 11016
the criminal records check in accordance with division (F) of this 11017
section before conditionally employing the applicant. 11018

(b) The applicant is referred to the responsible party by an 11019
employment service, the employment service or the applicant 11020
provides the chief administrator of the responsible party a letter 11021
that is on the letterhead of the employment service, the letter is 11022
dated and signed by a supervisor or another designated official of 11023
the employment service, and the letter states all of the 11024
following: 11025

(i) That the employment service has requested the 11026
superintendent to conduct a criminal records check regarding the 11027
applicant; 11028

(ii) That the requested criminal records check is to include 11029
a determination of whether the applicant has been convicted of, 11030

pleaded guilty to, or been found eligible for intervention in lieu 11031
of conviction for a disqualifying offense; 11032

(iii) That the employment service has not received the 11033
results of the criminal records check as of the date set forth on 11034
the letter; 11035

(iv) That the employment service promptly will send a copy of 11036
the results of the criminal records check to the chief 11037
administrator of the responsible party when the employment service 11038
receives the results. 11039

(2) If a responsible party employs an applicant conditionally 11040
pursuant to division (H)(1)(b) of this section, the employment 11041
service, on its receipt of the results of the criminal records 11042
check, promptly shall send a copy of the results to the chief 11043
administrator of the responsible party. 11044

(3) A responsible party that employs an applicant 11045
conditionally pursuant to division (H)(1)(a) or (b) of this 11046
section shall terminate the applicant's employment if the results 11047
of the criminal records check, other than the results of any 11048
request for information from the federal bureau of investigation, 11049
are not obtained within the period ending sixty days after the 11050
date the request for the criminal records check is made. 11051
Regardless of when the results of the criminal records check are 11052
obtained, if the results indicate that the applicant has been 11053
convicted of, pleaded guilty to, or been found eligible for 11054
intervention in lieu of conviction for a disqualifying offense, 11055
the responsible party shall terminate the applicant's employment 11056
unless the applicant meets standards specified in rules adopted 11057
under this section that permit the responsible party to employ the 11058
applicant and the responsible party chooses to employ the 11059
applicant. Termination of employment under this division shall be 11060
considered just cause for discharge for purposes of division 11061
(D)(2) of section 4141.29 of the Revised Code if the applicant 11062

makes any attempt to deceive the responsible party about the 11063
applicant's criminal record. 11064

(I) The report of any criminal records check conducted 11065
pursuant to a request made under this section is not a public 11066
record for the purposes of section 149.43 of the Revised Code and 11067
shall not be made available to any person other than the 11068
following: 11069

(1) The applicant or employee who is the subject of the 11070
criminal records check or the applicant's or employee's 11071
representative; 11072

(2) The chief administrator of the responsible party 11073
requesting the criminal records check or the administrator's 11074
representative; 11075

(3) The administrator of any other facility, agency, or 11076
program that provides community-based long-term care services that 11077
is owned or operated by the same entity that owns or operates the 11078
responsible party that requested the criminal records check; 11079

(4) The employment service that requested the criminal 11080
records check; 11081

(5) The director of aging or a person authorized by the 11082
director to monitor a responsible party's compliance with this 11083
section; 11084

(6) The medicaid director and the staff of the department of 11085
medicaid who are involved in the administration of the medicaid 11086
program if any of the following apply: 11087

(a) In the case of a criminal records check requested by a 11088
provider or subcontractor, the provider or subcontractor also is a 11089
waiver agency; 11090

(b) In the case of a criminal records check requested by an 11091
employment service, the employment service makes the request for 11092

an applicant or employee the employment service refers to a 11093
provider or subcontractor that also is a waiver agency; 11094

(c) The criminal records check is requested by a consumer who 11095
is acting as a responsible party. 11096

(7) A court, hearing officer, or other necessary individual 11097
involved in a case dealing with any of the following: 11098

(a) A denial of employment of the applicant or employee; 11099

(b) Employment or unemployment benefits of the applicant or 11100
employee; 11101

(c) A civil or criminal action regarding the medicaid program 11102
or a program the department of aging administers. 11103

(J) In a tort or other civil action for damages that is 11104
brought as the result of an injury, death, or loss to person or 11105
property caused by an applicant or employee who a responsible 11106
party employs in a direct-care position, all of the following 11107
shall apply: 11108

(1) If the responsible party employed the applicant or 11109
employee in good faith and reasonable reliance on the report of a 11110
criminal records check requested under this section, the 11111
responsible party shall not be found negligent solely because of 11112
its reliance on the report, even if the information in the report 11113
is determined later to have been incomplete or inaccurate. 11114

(2) If the responsible party employed the applicant in good 11115
faith on a conditional basis pursuant to division (H) of this 11116
section, the responsible party shall not be found negligent solely 11117
because it employed the applicant prior to receiving the report of 11118
a criminal records check requested under this section. 11119

(3) If the responsible party in good faith employed the 11120
applicant or employee because the applicant or employee meets 11121
standards specified in rules adopted under this section, the 11122

responsible party shall not be found negligent solely because the 11123
applicant or employee has been convicted of, pleaded guilty to, or 11124
been found eligible for intervention in lieu of conviction for a 11125
disqualifying offense. 11126

(K) The director of aging shall adopt rules in accordance 11127
with Chapter 119. of the Revised Code to implement this section. 11128

(1) The rules may do the following: 11129

(a) Require employees to undergo database reviews and 11130
criminal records checks under this section; 11131

(b) If the rules require employees to undergo database 11132
reviews and criminal records checks under this section, exempt one 11133
or more classes of employees from the requirements; 11134

(c) For the purpose of division (E)(7) of this section, 11135
specify other databases that are to be checked as part of a 11136
database review conducted under this section. 11137

(2) The rules shall specify all of the following: 11138

(a) The meaning of the term "subcontractor"; 11139

(b) The procedures for conducting database reviews under this 11140
section; 11141

(c) If the rules require employees to undergo database 11142
reviews and criminal records checks under this section, the times 11143
at which the database reviews and criminal records checks are to 11144
be conducted; 11145

(d) If the rules specify other databases to be checked as 11146
part of the database reviews, the circumstances under which a 11147
responsible party is prohibited from employing an applicant or 11148
continuing to employ an employee who is found by a database review 11149
to be included in one or more of those databases; 11150

(e) Standards that an applicant or employee must meet for a 11151
responsible party to be permitted to employ the applicant or 11152

continue to employ the employee in a direct-care position if the 11153
applicant or employee is found by a criminal records check 11154
required by this section to have been convicted of, pleaded guilty 11155
to, or been found eligible for intervention in lieu of conviction 11156
for a disqualifying offense. 11157

Sec. 173.381. (A) As used in this section: 11158

(1) "Community-based long-term care services" means 11159
community-based long-term care services, as defined in section 11160
173.14 of the Revised Code, that are provided under a program the 11161
department of aging administers. 11162

(2) "Community-based long-term care services certificate" 11163
means a certificate issued under section 173.391 of the Revised 11164
Code. 11165

(3) "Community-based long-term care services contract or 11166
grant" means a contract or grant awarded under section 173.392 of 11167
the Revised Code. 11168

(4) "Criminal records check" has the same meaning as in 11169
section 109.572 of the Revised Code. 11170

(5) "Disqualifying offense" means any of the offenses listed 11171
or described in divisions (A)(3)(a) to (e) of section 109.572 of 11172
the Revised Code. 11173

(6) "Provider" has the same meaning as in section 173.39 of 11174
the Revised Code. 11175

(7) "Self-employed provider" means a provider who works for 11176
the provider's self and has no employees. 11177

(B) This section does not apply to any individual who is 11178
subject to a database review or criminal records check under 11179
section ~~3701.881~~ 3740.11 of the Revised Code. 11180

(C)(1) The department of aging or its designee shall take the 11181

following actions when the circumstances specified in division	11182
(C)(2) of this section apply:	11183
(a) Refuse to issue a community-based long-term care services	11184
certificate to a self-employed provider;	11185
(b) Revoke a self-employed provider's community-based	11186
long-term care services certificate;	11187
(c) Refuse to award a community-based long-term care services	11188
contract or grant to a self-employed provider;	11189
(d) Terminate a self-employed provider's community-based	11190
long-term care services contract or grant awarded on or after	11191
September 15, 2014.	11192
(2) The following are the circumstances that require the	11193
department of aging or its designee to take action under division	11194
(C)(1) of this section:	11195
(a) A review of the databases listed in division (E) of this	11196
section reveals any of the following:	11197
(i) That the self-employed provider is included in one or	11198
more of the databases listed in divisions (E)(1) to (5) of this	11199
section;	11200
(ii) That there is in the state nurse aide registry	11201
established under section 3721.32 of the Revised Code a statement	11202
detailing findings by the director of health that the	11203
self-employed provider abused, neglected, or exploited a long-term	11204
care facility or residential care facility resident or	11205
misappropriated property of such a resident;	11206
(iii) That the self-employed provider is included in one or	11207
more of the databases, if any, specified in rules adopted under	11208
this section and the rules require the department or its designee	11209
to take action under division (C)(1) of this section if a	11210
self-employed provider is included in such a database.	11211

(b) After the self-employed provider is provided, pursuant to 11212
division (F)(2)(a) of this section, a copy of the form prescribed 11213
pursuant to division (C)(1) of section 109.572 of the Revised Code 11214
and the standard impression sheet prescribed pursuant to division 11215
(C)(2) of that section, the self-employed provider fails to 11216
complete the form or provide the self-employed provider's 11217
fingerprint impressions on the standard impression sheet. 11218

(c) Unless the self-employed provider meets standards 11219
specified in rules adopted under this section, the self-employed 11220
provider is found by a criminal records check required by this 11221
section to have been convicted of, pleaded guilty to, or been 11222
found eligible for intervention in lieu of conviction for a 11223
disqualifying offense. 11224

(D) The department of aging or its designee shall inform each 11225
self-employed provider of both of the following at the time of the 11226
self-employed provider's initial application for a community-based 11227
long-term care services certificate or initial bid for a 11228
community-based long-term care services contract or grant: 11229

(1) That a review of the databases listed in division (E) of 11230
this section will be conducted to determine whether the department 11231
or its designee is required by division (C) of this section to 11232
refuse to issue or award a community-based long-term care services 11233
certificate or community-based long-term care services contract or 11234
grant to the self-employed provider; 11235

(2) That, unless the database review reveals that the 11236
department or its designee is required to refuse to issue or award 11237
a community-based long-term care services certificate or 11238
community-based long-term care services contract or grant to the 11239
self-employed provider, a criminal records check of the 11240
self-employed provider will be conducted and the self-employed 11241
provider is required to provide a set of the self-employed 11242
provider's fingerprint impressions as part of the criminal records 11243

check. 11244

(E) As a condition of issuing or awarding a community-based 11245
long-term care services certificate or community-based long-term 11246
care services contract or grant to a self-employed provider, the 11247
department of aging or its designee shall conduct a database 11248
review of the self-employed provider in accordance with rules 11249
adopted under this section. If rules adopted under this section so 11250
require, the department or its designee shall conduct a database 11251
review of a self-employed provider in accordance with the rules as 11252
a condition of not revoking or terminating the self-employed 11253
provider's community-based long-term care services certificate or 11254
community-based long-term care services contract or grant. A 11255
database review shall determine whether the self-employed provider 11256
is included in any of the following: 11257

(1) The excluded parties list system that is maintained by 11258
the United States general services administration pursuant to 11259
subpart 9.4 of the federal acquisition regulation and available at 11260
the federal web site known as the system for award management; 11261

(2) The list of excluded individuals and entities maintained 11262
by the office of inspector general in the United States department 11263
of health and human services pursuant to the "Social Security 11264
Act," 42 U.S.C. 1320a-7 and 1320c-5; 11265

(3) The registry of developmental disabilities employees 11266
established under section 5123.52 of the Revised Code; 11267

(4) The internet-based sex offender and child-victim offender 11268
database established under division (A)(11) of section 2950.13 of 11269
the Revised Code; 11270

(5) The internet-based database of inmates established under 11271
section 5120.66 of the Revised Code; 11272

(6) The state nurse aide registry established under section 11273
3721.32 of the Revised Code; 11274

(7) Any other database, if any, specified in rules adopted 11275
under this section. 11276

(F)(1) As a condition of issuing or awarding a 11277
community-based long-term care services certificate or 11278
community-based long-term care services contract or grant to a 11279
self-employed provider, the department of aging or its designee 11280
shall request that the superintendent of the bureau of criminal 11281
identification and investigation conduct a criminal records check 11282
of the self-employed provider. If rules adopted under this section 11283
so require, the department or its designee shall request that the 11284
superintendent conduct a criminal records check of a self-employed 11285
provider at times specified in the rules as a condition of not 11286
revoking or terminating the self-employed provider's 11287
community-based long-term care services certificate or 11288
community-based long-term care services contract or grant. 11289
However, the department or its designee is not required to request 11290
the criminal records check of the self-employed provider if the 11291
department or its designee, because of circumstances specified in 11292
division (C)(2)(a) of this section, is required to refuse to issue 11293
or award a community-based long-term care services certificate or 11294
community-based long-term care services contract or grant to the 11295
self-employed provider or to revoke or terminate the self-employed 11296
provider's certificate or contract or grant. 11297

If a self-employed provider for whom a criminal records check 11298
request is required by this section does not present proof of 11299
having been a resident of this state for the five-year period 11300
immediately prior to the date the criminal records check is 11301
requested or provide evidence that within that five-year period 11302
the superintendent has requested information about the 11303
self-employed provider from the federal bureau of investigation in 11304
a criminal records check, the department or its designee shall 11305
request that the superintendent obtain information from the 11306

federal bureau of investigation as part of the criminal records 11307
check. Even if a self-employed provider for whom a criminal 11308
records check request is required by this section presents proof 11309
of having been a resident of this state for the five-year period, 11310
the department or its designee may request that the superintendent 11311
include information from the federal bureau of investigation in 11312
the criminal records check. 11313

(2) The department or its designee shall do all of the 11314
following: 11315

(a) Provide to each self-employed provider for whom a 11316
criminal records check request is required by this section a copy 11317
of the form prescribed pursuant to division (C)(1) of section 11318
109.572 of the Revised Code and a standard impression sheet 11319
prescribed pursuant to division (C)(2) of that section; 11320

(b) Obtain the completed form and standard impression sheet 11321
from the self-employed provider; 11322

(c) Forward the completed form and standard impression sheet 11323
to the superintendent. 11324

(3) The department or its designee shall pay to the bureau of 11325
criminal identification and investigation the fee prescribed 11326
pursuant to division (C)(3) of section 109.572 of the Revised Code 11327
for each criminal records check of a self-employed provider the 11328
department or its designee requests under this section. The 11329
department or its designee may charge the self-employed provider a 11330
fee that does not exceed the amount the department or its designee 11331
pays to the bureau. 11332

(G) The report of any criminal records check of a 11333
self-employed provider conducted pursuant to a request made under 11334
this section is not a public record for the purposes of section 11335
149.43 of the Revised Code and shall not be made available to any 11336
person other than the following: 11337

(1) The self-employed provider or the self-employed provider's representative;	11338 11339
(2) The department of aging, the department's designee, or a representative of the department or its designee;	11340 11341
(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;	11342 11343 11344 11345 11346
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	11347 11348
(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;	11349 11350 11351
(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;	11352 11353 11354
(c) A civil or criminal action regarding a program the department of aging administers.	11355 11356
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:	11357 11358 11359 11360
(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee	11361 11362 11363 11364 11365 11366 11367

shall not be found negligent solely because of its reliance on the 11368
report, even if the information in the report is determined later 11369
to have been incomplete or inaccurate. 11370

(2) If the department or its designee in good faith issued or 11371
awarded a community-based long-term care services certificate or 11372
community-based long-term care services contract or grant to the 11373
self-employed provider or did not revoke or terminate the 11374
self-employed provider's certificate or contract or grant because 11375
the self-employed provider meets standards specified in rules 11376
adopted under this section, the department and its designee shall 11377
not be found negligent solely because the self-employed provider 11378
has been convicted of, pleaded guilty to, or been found eligible 11379
for intervention in lieu of conviction for a disqualifying 11380
offense. 11381

(I) The director of aging shall adopt rules in accordance 11382
with Chapter 119. of the Revised Code to implement this section. 11383

(1) The rules may do the following: 11384

(a) Require self-employed providers who have been issued or 11385
awarded community-based long-term care services certificates or 11386
community-based long-term care services contracts or grants to 11387
undergo database reviews and criminal records checks under this 11388
section; 11389

(b) If the rules require self-employed providers who have 11390
been issued or awarded community-based long-term care services 11391
certificates or community-based long-term care services contracts 11392
or grants to undergo database reviews and criminal records checks 11393
under this section, exempt one or more classes of such 11394
self-employed providers from the requirements; 11395

(c) For the purpose of division (E)(7) of this section, 11396
specify other databases that are to be checked as part of a 11397
database review conducted under this section. 11398

(2) The rules shall specify all of the following:	11399
(a) The procedures for conducting database reviews under this section;	11400 11401
(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	11402 11403 11404 11405 11406 11407
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;	11408 11409 11410 11411 11412 11413 11414 11415 11416
(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	11417 11418 11419 11420 11421 11422 11423 11424 11425 11426
Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the Revised Code:	11427 11428

(1) "Provider" means a person or government entity that provides any services, including community-based long-term care services, under a program the department of aging administers. "Provider" includes a person or government entity that provides home and community-based services to older adults through the PASSPORT program or assisted living program ~~as defined in section 173.51 of the Revised Code.~~

(2) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(3) "PASSPORT program" and "assisted living program" have the same meanings as in section 173.51 of the Revised Code.

~~(B) Except as provided in section 173.392 of the Revised Code, the~~ The department of aging ~~may~~ shall not pay a provider for providing any service, including community-based long-term care services, ~~under a~~ the PASSPORT program or assisted living program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided.

The department may require a provider under any other program the department administers to be certified under section 173.391 of the Revised Code. If the department requires this certification, the department shall not pay the provider for providing any service under that program unless the provider is certified under section 173.391 of the Revised Code and provides the services the service is in fact provided. If the department does not require this certification, the department shall not pay the provider for providing any service under that program unless the provider complies with section 173.392 of the Revised Code.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide <u>services, including</u>	11459
community-based long-term care services, under a program the	11460
department administers if the provider satisfies the requirements	11461
for certification established by rules adopted under division (B)	11462
of this section and pays the fee, if any, established by rules	11463
adopted under division (G) of this section;	11464
(2) When required to do so by rules adopted under division	11465
(B) of this section, take one or more of the following	11466
disciplinary actions against a provider certified under division	11467
(A)(1) of this section:	11468
(a) Issue a written warning;	11469
(b) Require the submission of a plan of correction or	11470
evidence of compliance with requirements identified by the	11471
department;	11472
(c) Suspend referrals;	11473
(d) Remove clients;	11474
(e) Impose a fiscal sanction such as a civil monetary penalty	11475
or an order that unearned funds be repaid;	11476
(f) Suspend the certification;	11477
(g) Revoke the certification;	11478
(h) Impose another sanction.	11479
(3) Except as provided in division (E) of this section, hold	11480
hearings when there is a dispute between the department or its	11481
designee and a provider concerning actions the department or its	11482
designee takes regarding a decision not to certify the provider	11483
under division (A)(1) of this section or a disciplinary action	11484
under divisions (A)(2)(e) to (h) of this section.	11485
(B) The director of aging shall adopt rules in accordance	11486
with Chapter 119. of the Revised Code establishing certification	11487
requirements and standards for determining which type of	11488

disciplinary action to take under division (A)(2) of this section 11489
in individual situations. The rules shall establish procedures for 11490
all of the following: 11491

(1) Ensuring that providers comply with sections 173.38 and 11492
173.381 of the Revised Code; 11493

(2) Evaluating the services provided by the providers to 11494
ensure that the services are provided in a quality manner 11495
advantageous to the individual receiving the services; 11496

(3) In a manner consistent with section 173.381 of the 11497
Revised Code, determining when to take disciplinary action under 11498
division (A)(2) of this section and which disciplinary action to 11499
take; 11500

(4) Determining what constitutes another sanction for 11501
purposes of division (A)(2)(h) of this section. 11502

(C) The procedures established in rules adopted under 11503
division (B)(2) of this section shall require that all of the 11504
following be considered as part of an evaluation described in 11505
division (B)(2) of this section: 11506

(1) The provider's experience and financial responsibility; 11507

(2) The provider's ability to comply with standards for the 11508
services, including community-based long-term care services, that 11509
the provider provides under a program the department administers; 11510

(3) The provider's ability to meet the needs of the 11511
individuals served; 11512

(4) Any other factor the director considers relevant. 11513

(D) The rules adopted under division (B)(3) of this section 11514
shall specify that the reasons disciplinary action may be taken 11515
under division (A)(2) of this section include good cause, 11516
including misfeasance, malfeasance, nonfeasance, confirmed abuse 11517
or neglect, financial irresponsibility, or other conduct the 11518

director determines is injurious, or poses a threat, to the health 11519
or safety of individuals being served. 11520

(E) Subject to division (F) of this section, the department 11521
is not required to hold hearings under division (A)(3) of this 11522
section if any of the following conditions apply: 11523

(1) Rules adopted by the director of aging pursuant to this 11524
chapter require the provider to be a party to a provider 11525
agreement; hold a license, certificate, or permit; or maintain a 11526
certification, any of which is required or issued by a state or 11527
federal government entity other than the department of aging, and 11528
either of the following is the case: 11529

(a) The provider agreement has not been entered into or the 11530
license, certificate, permit, or certification has not been 11531
obtained or maintained. 11532

(b) The provider agreement, license, certificate, permit, or 11533
certification has been denied, revoked, not renewed, or suspended 11534
or has been otherwise restricted. 11535

(2) The provider's certification under this section has been 11536
denied, suspended, or revoked for any of the following reasons: 11537

(a) A government entity of this state, other than the 11538
department of aging, has terminated or refused to renew any of the 11539
following held by, or has denied any of the following sought by, a 11540
provider: a provider agreement, license, certificate, permit, or 11541
certification. Division (E)(2)(a) of this section applies 11542
regardless of whether the provider has entered into a provider 11543
agreement in, or holds a license, certificate, permit, or 11544
certification issued by, another state. 11545

(b) The provider or a principal owner or manager of the 11546
provider who provides direct care has entered a guilty plea for, 11547
or has been convicted of, an offense materially related to the 11548
medicaid program. 11549

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of

medicaid has been suspended under section 5164.36 of the Revised Code. 11580
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code. 11582
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 11587
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 11595
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide. 11599
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Sec. 173.392. (A) The In the case of a provider that the department of aging under section 173.39 of the Revised Code has not required to be certified under section 173.391 of the Revised 11608
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~~Code, the department of aging~~ may pay a the provider for providing 11611
services, including community-based long-term care services, under 11612
a program the department administers, ~~even though the provider is~~ 11613
~~not certified under section 173.391 of the Revised Code, but only~~ 11614
if all of the following are the case: 11615

(1) The provider has a contract with the department of aging 11616
or the department's designee to provide the services in accordance 11617
with the contract or has received a grant from the department or 11618
its designee to provide the services in accordance with a grant 11619
agreement; 11620

(2) The contract or grant agreement includes detailed 11621
conditions of participation for the provider and service standards 11622
that the provider is required to satisfy; 11623

(3) The provider complies with the contract or grant 11624
agreement; 11625

(4) The contract or grant is not for medicaid-funded 11626
services, other than services provided under the PACE program 11627
administered by the department of aging under section 173.50 of 11628
the Revised Code. 11629

(B)(1) The director of aging shall adopt rules in accordance 11630
with Chapter 119. of the Revised Code governing both of the 11631
following: 11632

(a) Contracts and grant agreements between the department of 11633
aging or its designee and providers; 11634

(b) The department's payment for services, including 11635
community-based long-term care services, under this section. 11636

(2) The rules adopted under this section shall be consistent 11637
with section 173.381 of the Revised Code. 11638

Sec. 173.393. (A) Except as provided in division (B) of this 11639

section, the records of an evaluation conducted in accordance with 11640
rules adopted under division (B)(2) of section 173.391 of the 11641
Revised Code are public records for purposes of section 149.43 of 11642
the Revised Code and shall be made available on request of any 11643
person, including individuals receiving or seeking any services, 11644
including community-based long-term care services, under a program 11645
the department of aging administers. 11646

(B) A part of a record of an evaluation that is otherwise 11647
available as a public record under division (A) of this section is 11648
not available as a public record if its release would violate a 11649
federal or state statute, regulation, or rule, including 11650
regulations adopted by the United States department of health and 11651
human services to implement the health information privacy 11652
provisions of the "Health Insurance Portability and Accountability 11653
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 11654
amended. 11655

Sec. 174.01. As used in this chapter: 11656

(A) "Financial assistance" means grants, loans, loan 11657
guarantees, an equity position in a project, or loan subsidies. 11658

(B) "Grant" means funding the department of development 11659
~~services agency~~ or the Ohio housing finance agency provides for 11660
which the relevant agency does not require repayment. 11661

(C) "Housing" means housing for owner-occupancy and 11662
multifamily rental housing. 11663

(D) "Housing for owner-occupancy" means housing that is 11664
intended for occupancy by an owner as a principal residence. 11665
"Housing for owner-occupancy" may be any type of structure and may 11666
be owned in any type of ownership. 11667

(E) "Housing trust fund" means the low- and moderate-income 11668
housing trust fund created and administered pursuant to Chapter 11669

174. of the Revised Code.	11670
(F) "Lending institution" means any financial institution	11671
qualified to conduct business in this state, a subsidiary	11672
corporation that is wholly owned by a financial institution	11673
qualified to conduct business in this state, and a mortgage lender	11674
whose regular business is originating, servicing, or brokering	11675
real estate loans and who is qualified to do business in this	11676
state.	11677
(G) "Loan" means any extension of credit or other form of	11678
financing or indebtedness directly or indirectly to a borrower	11679
with the expectation that it will be repaid in accordance with the	11680
terms of the underlying loan agreement or other pertinent	11681
document. "Loan" includes financing extended to lending	11682
institutions and indebtedness purchased from lending institutions.	11683
(H) "Loan guarantee" means any agreement in favor of a	11684
lending institution or other lender in which the credit and	11685
resources of the housing trust fund are pledged to secure the	11686
payment or collection of financing extended to a borrower for the	11687
acquisition, construction, improvement, rehabilitation or	11688
preservation of housing, or to refinance any financing previously	11689
extended for those purposes by any lender.	11690
(I) "Loan subsidy" means any deposit of funds into a lending	11691
institution with the authorization or direction that the income or	11692
revenues the deposit earns, or could have earned at competitive	11693
rates, be applied directly or indirectly to the benefit of housing	11694
assistance or financial assistance.	11695
(J) "Low- and moderate-income persons" means individuals and	11696
families who qualify as low- and moderate-income persons pursuant	11697
to guidelines the development services agency <u>department</u>	11698
establishes.	11699
(K) "Multifamily rental housing" means multiple unit housing	11700

intended for rental occupancy. 11701

(L) "Nonprofit organization" means a nonprofit organization 11702
in good standing and qualified to conduct business in this state 11703
including any corporation whose members are members of a 11704
metropolitan housing authority. 11705

~~(M) "Department of development" means the development 11706
services agency and "director of development" means the director 11707
of development services. 11708~~

Sec. 174.02. (A) The low- and moderate-income housing trust 11709
fund is hereby created in the state treasury. The fund consists of 11710
all appropriations made to the fund, housing trust fund fees 11711
collected by county recorders pursuant to section 317.36 of the 11712
Revised Code and deposited into the fund pursuant to section 11713
319.63 of the Revised Code, and all grants, gifts, loan 11714
repayments, and contributions of money made from any source to the 11715
department of development services agency for deposit in the fund. 11716
All investment earnings of the fund shall be credited to the fund. 11717
The director of development ~~services~~ shall allocate a portion of 11718
the money in the fund to an account of the Ohio housing finance 11719
agency. The ~~development services agency~~ department shall 11720
administer the fund. The Ohio housing finance agency shall use 11721
money allocated to it for implementing and administering its 11722
programs and duties under sections 174.03 and 174.05 of the 11723
Revised Code, and the ~~development services agency~~ department shall 11724
use the remaining money in the fund for implementing and 11725
administering its programs and duties under sections 174.03 to 11726
174.06 of the Revised Code. Use of all money drawn from the fund 11727
is subject to the following restrictions: 11728

(1)(a) Not more than five per cent of the current year 11729
appropriation authority for the fund shall be allocated between 11730
grants to community development corporations for the community 11731

development corporation grant program and grants and loans to the 11732
Ohio community development finance fund, a private nonprofit 11733
corporation. 11734

(b) In any year in which the amount in the fund exceeds one 11735
hundred thousand dollars and at least that much is allocated for 11736
the uses described in this section, not less than one hundred 11737
thousand dollars shall be used to provide training, technical 11738
assistance, and capacity building assistance to nonprofit 11739
development organizations. 11740

(2) Not more than ten per cent of any current year 11741
appropriation authority for the fund shall be used for the 11742
emergency shelter housing grants program to make grants to 11743
private, nonprofit organizations and municipal corporations, 11744
counties, and townships for emergency shelter housing for the 11745
homeless and emergency shelter facilities serving unaccompanied 11746
youth seventeen years of age and younger. The grants shall be 11747
distributed pursuant to rules the director adopts and qualify as 11748
matching funds for funds obtained pursuant to the McKinney Act, 11749
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 11750

(3) In any fiscal year in which the amount in the fund 11751
exceeds the amount awarded pursuant to division (A)(1)(b) of this 11752
section by at least two hundred fifty thousand dollars, at least 11753
two hundred fifty thousand dollars from the fund shall be provided 11754
to the department of aging for the resident services coordinator 11755
program as established in section 173.08 of the Revised Code. 11756

(4) Of all current year appropriation authority for the fund, 11757
not more than five per cent shall be used for administration. 11758

(5) Not less than forty-five per cent of the funds awarded 11759
during any one fiscal year shall be for grants and loans to 11760
nonprofit organizations under section 174.03 of the Revised Code. 11761

(6) Not less than fifty per cent of the funds awarded during 11762

any one fiscal year, excluding the amounts awarded pursuant to 11763
divisions (A)(1), (2), and (7) of this section, shall be for 11764
grants and loans for activities that provide housing and housing 11765
assistance to families and individuals in rural areas and small 11766
cities that are not eligible to participate as a participating 11767
jurisdiction under the "HOME Investment Partnerships Act," 104 11768
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 11769

(7) No money in the fund shall be used to pay for any legal 11770
services other than the usual and customary legal services 11771
associated with the acquisition of housing. 11772

(8) Money in the fund may be used as matching money for 11773
federal funds received by the state, counties, municipal 11774
corporations, and townships for the activities listed in section 11775
174.03 of the Revised Code. 11776

(B) If, after the second quarter of any year, it appears to 11777
the director ~~of development services~~ that the full amount of the 11778
money in the fund designated in that year for activities that 11779
provide housing and housing assistance to families and individuals 11780
in rural areas and small cities under division (A) of this section 11781
will not be used for that purpose, the director may reallocate all 11782
or a portion of that amount for other housing activities. In 11783
determining whether or how to reallocate money under this 11784
division, the director may consult with and shall receive advice 11785
from the housing trust fund advisory committee. 11786

Sec. 183.021. (A) No money from the tobacco master settlement 11787
agreement fund, as that fund existed prior to the repeal of 11788
section 183.02 of the Revised Code by H.B. 119 of the 127th 11789
general assembly, shall be expended to do any of the following: 11790

(1) Hire an executive agency lobbyist, as defined under 11792
section 121.60 of the Revised Code, or a legislative agent, as 11793

defined under section 101.70 of the Revised Code; 11794

(2) Support or oppose candidates, ballot questions, 11795
referendums, or ballot initiatives. 11796

(B) Nothing in this section prohibits ~~either of the following~~ 11797
the members or employees of the third frontier commission or the 11798
members of the third frontier advisory board from advocating on 11799
behalf of the specific objectives of a program funded under this 11800
chapter; 11801

~~(1) The members of the board of trustees, executive director,~~ 11802
~~or employees of the southern Ohio agricultural and community~~ 11803
~~development foundation;~~ 11804

~~(2) The members or employees of the third frontier commission~~ 11805
~~or the members of the third frontier advisory board.~~ 11806

Sec. 183.18. (A) Ohio's public health priorities fund is 11807
hereby created in the state treasury. All investment earnings of 11808
the fund shall be credited to the fund. Notwithstanding any 11809
conflicting provision of the Revised Code, the director of budget 11810
and management may credit to the fund any money received by the 11811
state, director of health, or department of health as part of a 11812
settlement agreement relating to a pressing public health issue. 11813
The director of budget and management may also credit to the fund 11814
any grant, gift, devise, bequest, or contribution made to the 11815
state to support public health. 11816

(B) Money credited to the fund shall be used by the director 11817
of health for the following purposes: 11818

(1) To conduct public health awareness and educational 11819
campaigns; 11820

(2) To address any pressing public health issue identified by 11821
the director or described in the state health improvement plan or 11822
a successor document prepared for the department of health; 11823

(3) To implement and administer innovative public health programs and prevention strategies; 11824
11825

(4) To improve the population health of Ohio. 11826

The director may collaborate with one or more nonprofit entities, including a public health foundation, to meet the requirements of division (B) of this section. 11827
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Sec. 183.33. No money shall be appropriated or transferred from the general revenue fund to the law enforcement improvements trust fund, ~~southern Ohio agricultural and community development foundation endowment fund~~, biomedical research and technology transfer trust fund, or education technology trust fund. 11830
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Sec. 184.01. (A) There is hereby created the third frontier commission in the department of development services ~~agency~~. The purpose of the commission is to coordinate and administer science and technology programs to promote the welfare of the people of the state and to maximize the economic growth of the state through expansion of both of the following: 11835
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(1) The state's high technology research and development capabilities; 11841
11842

(2) The state's product and process innovation and commercialization. 11843
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(B)(1) The commission shall consist of eleven members: the director of development ~~services~~, the chancellor of ~~the Ohio board of regents~~ higher education, the governor's science and technology advisor, the chief investment officer of the nonprofit corporation formed under section 187.01 of the Revised Code, and seven persons appointed by the governor with the advice and consent of the senate. 11845
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(2) Of the seven persons appointed by the governor, one shall 11852

represent the central region, which is composed of the counties of 11853
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 11854
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 11855
one shall represent the west central region, which is composed of 11856
the counties of Champaign, Clark, Darke, Greene, Miami, 11857
Montgomery, Preble, and Shelby; one shall represent the northeast 11858
region, which is composed of the counties of Ashland, Ashtabula, 11859
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 11860
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 11861
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 11862
northwest region, which is composed of the counties of Allen, 11863
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 11864
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 11865
Wood, and Wyandot; one shall represent the southeast region, which 11866
shall represent the counties of Adams, Athens, Belmont, Coshocton, 11867
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 11868
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 11869
Washington; one shall represent the southwest region, which is 11870
composed of the counties of Butler, Brown, Clermont, Clinton, 11871
Hamilton, Highland, and Warren; and one shall represent the public 11872
at large. Of the initial appointments, two shall be for one year, 11873
two shall be for two years, and two shall be for three years as 11874
assigned by the governor. Thereafter, appointments shall be for 11875
three-year terms. Members may be reappointed and vacancies shall 11876
be filled in the same manner as appointments. A person must have a 11877
background in business or research in order to be eligible for 11878
appointment to the commission. 11879

(3) The governor shall select a chairperson from among the 11880
members, who shall serve in that role at the pleasure of the 11881
governor. Sections 101.82 to 101.87 of the Revised Code do not 11882
apply to the commission. 11883

(C) The commission shall meet at least once during each 11884

quarter of the calendar year or at the call of the chairperson. A 11885
majority of all members of the commission constitutes a quorum, 11886
and no action shall be taken without the concurrence of a majority 11887
of the members. 11888

(D) The commission shall administer any money that may be 11889
appropriated to it by the general assembly. The commission may use 11890
such money for research and commercialization and for any other 11891
purposes that may be designated by the commission. 11892

(E) The ~~development services agency~~ department shall provide 11893
office space and facilities for the commission. Administrative 11894
costs associated with the operation of the commission or with any 11895
program or activity administered by the commission shall be paid 11896
from amounts appropriated to the commission or to the ~~agency~~ 11897
department for such purposes. 11898

(F) The attorney general shall serve as the legal 11899
representative for the commission and may appoint other counsel as 11900
necessary for that purpose in accordance with section 109.07 of 11901
the Revised Code. 11902

(G) Members of the commission shall serve without 11903
compensation, but shall receive their reasonable and necessary 11904
expenses incurred in the conduct of commission business. 11905

(H) Members of the commission shall file financial disclosure 11906
statements described in division (B) of section 102.02 of the 11907
Revised Code. 11908

Sec. 184.173. The third frontier commission shall conduct the 11909
outreach activities described in sections 184.171 and 184.172 of 11910
the Revised Code in conjunction with the EDGE program created 11911
under section ~~123.152~~ 122.922 of the Revised Code. 11912

Sec. 188.01. As used in sections 188.01 to 188.23 of the 11913
Revised Code: 11914

(A) "Broadband service" means any wholesale or retail service that consists of, or includes the provision of, connectivity to a high-speed, high-capacity transmission medium that can carry signals from or to multiple sources and that either provides access to the internet or provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service. "Broadband service" includes video service, voice over internet protocol service, and internet protocol-enabled services. 11915
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(B) "Electric cooperative" has the same meaning as in section 4928.01 of the Revised Code. 11925
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(C) "Internet protocol-enabled services" and "voice over internet protocol service" have the same meanings as in section 4927.01 of the Revised Code. 11927
11928
11929

(D) "Servient estate" means the land burdened by an easement. 11930

(E) "Video programming" means any programming generally considered comparable to programming provided by a television broadcast station. 11931
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(F) "Video service" means video programming services without regard to delivery technology, including internet protocol technology and video programming provided as a part of a service that enables users to access content, information, electronic mail, or other services offered over the public internet. 11934
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Sec. 188.02. An easement granted to an electric cooperative for purposes of transmitting, delivering, or otherwise providing electric power may be used, apportioned, or subleased to provide broadband service and such use, apportionment, or sublease shall not be considered an additional burden on the servient estate. 11939
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Sec. 188.05. (A) If the owner of the servient estate of an 11944

easement described in section 188.02 of the Revised Code brings an 11945
action regarding the use, apportionment, or sublease of the 11946
easement for broadband service, the court may award damages to the 11947
owner equal to not more than the difference between the following: 11948

(1) The fair market value of the owner's interest in the 11949
property of the estate immediately before the provision of 11950
broadband service; 11951

(2) The fair market value of the owner's interest in the 11952
property of the estate immediately after the provision of 11953
broadband service. 11954

(B) Any damages awarded under division (A) of this section 11955
shall be a fixed amount that shall not continue, accumulate, or 11956
accrue. 11957

(C) The values described in division (A) of this section 11958
shall be established by the testimony of a qualified real estate 11959
appraiser. 11960

Sec. 188.08. The court may not grant injunctive relief or any 11961
other equitable relief for an action described in section 188.05 11962
of the Revised Code. 11963

Sec. 188.11. Actions described in section 188.05 of the 11964
Revised Code shall be brought within one year of any alleged 11965
damage described in that section. Any action not brought within 11966
one year will result in forfeiture of that claim. 11967

Sec. 188.14. Past, current, or future revenues or profits 11968
derived or to be derived from the use, apportionment, or sublease 11969
of an easement for broadband service are not admissible for any 11970
purpose in an action described in section 188.05 of the Revised 11971
Code. 11972

Sec. 188.17. Any court determination regarding an easement 11973
subject to an action described in section 188.05 of the Revised 11974
Code shall be considered a finding that the provision of broadband 11975
service is an allowable use or purpose under the easement as if 11976
the use or purpose was specifically stated in the terms of the 11977
easement. 11978

Sec. 188.20. A court determination described in section 11979
188.17 of the Revised Code shall be filed by the defendant in the 11980
action with the county recorder of the county in which the 11981
servient estate subject to the determination is located. The 11982
recorder shall make a notation in the official record that links 11983
the determination to the servient estate and the easement subject 11984
to the determination. 11985

Sec. 188.23. The owner of a servient estate of an easement 11986
described in section 188.02 of the Revised Code may not bring an 11987
action described in section 188.05 of the Revised Code if any of 11988
the following apply: 11989

(A) The owner, either directly or through the owner's 11990
membership in the electric cooperative or otherwise, authorized 11991
the electric cooperative's electric delivery system for the 11992
provision of broadband services. 11993

(B) The owner, or any of the previous owners of the property 11994
that makes up the servient estate, has agreed to, or granted 11995
permission for, the use of the easement to provide broadband 11996
service. 11997

(C) The facilities providing broadband service are used or 11998
are capable of being used to assist in the transmission, delivery, 11999
or use of electric service. 12000

Sec. 188.27. Sections 188.01 to 188.23 of the Revised Code 12001

shall not be construed as expanding the authority of the state, 12002
its agencies, or political subdivisions beyond the authority 12003
existing under federal law or the laws of this state. 12004

Sec. 188.30. Sections 163.01 to 163.22 of the Revised Code do 12005
not apply regarding the application of sections 188.01 to 188.23 12006
of the Revised Code. 12007

Sec. 303.251. (A) If a program grant is awarded for an 12008
eligible project under sections 122.40 to 122.4077 of the Revised 12009
Code, the board of county commissioners of the county in which the 12010
project is situated, by resolution, may levy a special assessment 12011
upon residential property within the county for the purpose of 12012
providing a contribution from the county towards the funding gap 12013
for the eligible project. Assessments under this section shall be 12014
levied only upon the residential property that is subject to the 12015
eligible project. Before adopting the resolution, the board shall 12016
send written notice to each affected property owner stating the 12017
estimated assessment for that property. If an owner objects to the 12018
stated estimated assessment, the owner shall file a written 12019
objection with the board not later than two weeks after the notice 12020
is mailed. The board shall review the written objections and may 12021
revise the estimated assessments before adopting the resolution. 12022
If the property owner objects to the final assessment for the 12023
property levied in the resolution, the owner may appeal the final 12024
assessment under Chapter 2506. of the Revised Code. 12025

(B) The assessment shall be at a rate that will produce a 12026
total assessment that is not more than the county's contribution 12027
towards the funding gap for the eligible project as described in 12028
the application under section 122.4020 of the Revised Code. The 12029
board shall certify the amount to be levied upon each affected 12030
property to the county auditor, who shall enter the amount on the 12031

tax duplicate for collection by the county treasurer in equal 12032
semiannual installments in the same manner and at the same times 12033
as the collection of taxes on real property. Assessments shall be 12034
paid by owners of the properties upon which assessments are 12035
levied. 12036

(C) The assessments, when collected, shall be paid by the 12037
county auditor by warrant on the county treasurer into a special 12038
fund in the county treasury created for the purpose of funding an 12039
eligible project for which a program grant is awarded under 12040
sections 122.40 to 122.4077 of the Revised Code and that is 12041
located in the county. The board may expend moneys from the fund 12042
only for the purposes for which the assessments were levied. 12043

Sec. 307.921. From any contracts to be awarded under sections 12044
307.86 to 307.92 of the Revised Code, the contracting authority, 12045
as defined in section 307.92 of the Revised Code, may develop a 12046
policy to assist minority business enterprises, as defined in 12047
sections 122.71 and ~~123.151~~ 122.921 of the Revised Code. 12048

Sec. 307.93. (A)(1) The boards of county commissioners of two 12050
or more adjacent counties may contract for the joint establishment 12051
of a multicounty correctional center, and the board of county 12052
commissioners of a county or the boards of two or more counties 12053
may contract with any municipal corporation or municipal 12054
corporations located in that county or those counties for the 12055
joint establishment of a municipal-county or multicounty-municipal 12056
correctional center. The center shall augment county and, where 12057
applicable, municipal jail programs and facilities by providing 12058
custody and rehabilitative programs for those persons under the 12059
charge of the sheriff of any of the contracting counties or of the 12060
officer or officers of the contracting municipal corporation or 12061
municipal corporations having charge of persons incarcerated in 12062

the municipal jail, workhouse, or other correctional facility who, 12063
in the opinion of the sentencing court, need programs of custody 12064
and rehabilitation not available at the county or municipal jail 12065
and by providing custody and rehabilitative programs in accordance 12066
with division (C) of this section, if applicable. The contract may 12067
include, but need not be limited to, provisions regarding the 12068
acquisition, construction, maintenance, repair, termination of 12069
operations, and administration of the center. ~~The acquisition of~~ 12070
~~the facility, to the extent appropriate, may include the leasing~~ 12071
~~of the Ohio river valley facility or a specified portion of that~~ 12072
~~facility pursuant to division (B)(3) of this section.~~ The contract 12073
shall prescribe the manner of funding of, and debt assumption for, 12074
the center and the standards and procedures to be followed in the 12075
operation of the center. Except as provided in division (G) of 12076
this section, the contracting counties and municipal corporations 12077
shall form a corrections commission to oversee the administration 12078
of the center. Members of the commission shall consist of the 12079
sheriff of each participating county, a member of the board of 12080
county commissioners of each participating county, the chief of 12081
police of each participating municipal corporation, and the mayor 12082
or city manager of each participating municipal corporation. Any 12083
of the foregoing officers may appoint a designee to serve in the 12084
officer's place on the corrections commission. 12085

The standards and procedures prescribed under this division 12086
shall be formulated and agreed to by the commission and may be 12087
amended at any time during the life of the contract by agreement 12088
of a majority of the voting members of the commission or by other 12089
means set forth in the contract between the contracting counties 12090
and municipal corporations. The standards and procedures 12091
formulated by the commission and amendments to them shall include, 12092
but need not be limited to, designation of the person in charge of 12093
the center, designation of a fiscal agent, the categories of 12094

employees to be employed at the center, the appointing authority 12095
of the center, and the standards of treatment and security to be 12096
maintained at the center. The person in charge of, and all persons 12097
employed to work at, the center shall have all the powers of 12098
police officers that are necessary for the proper performance of 12099
the duties and work responsibilities of the center, provided that 12100
the corrections officers of the center may carry firearms in the 12101
performance of those duties and responsibilities only in 12102
accordance with division (A)(2) of this section. 12103

(2) The person in charge of a multicounty correctional 12104
center, or of a municipal-county or multicounty-municipal 12105
correctional center, may grant permission to a corrections officer 12106
of the center to carry firearms when required in the discharge of 12107
official duties if the corrections officer has successfully 12108
completed a basic firearm training program that is approved by the 12109
executive director of the Ohio peace officer training commission. 12110
A corrections officer who has been granted permission to carry 12111
firearms in the discharge of official duties annually shall 12112
successfully complete a firearms requalification program in 12113
accordance with section 109.801 of the Revised Code. A corrections 12114
officer may carry firearms under authority of this division only 12115
while the officer is acting within the scope of the officer's 12116
official duties. 12117

(B)(1) Upon the establishment of a corrections commission 12118
under division (A) of this section, the judges specified in this 12119
division shall form a judicial advisory board for the purpose of 12120
making recommendations to the corrections commission on issues of 12121
bed allocation, expansion of the center that the corrections 12122
commission oversees, and other issues concerning the 12123
administration of sentences or any other matter determined to be 12124
appropriate by the board. The judges who shall form the judicial 12125
advisory board for a corrections commission are the administrative 12126

judge of the general division of the court of common pleas of each 12127
county participating in the corrections center, the presiding 12128
judge of the municipal court of each municipal corporation 12129
participating in the corrections center, and the presiding judge 12130
of each county court of each county participating in the 12131
corrections center. If the number of the foregoing members of the 12132
board is even, the county auditor or the county auditor of the 12133
most populous county if the board serves more than one county 12134
shall also be a member of the board. Any of the foregoing judges 12135
may appoint a designee to serve in the judge's place on the 12136
judicial advisory board, provided that the designee shall be a 12137
judge of the same court as the judge who makes the appointment. 12138
The judicial advisory board for a corrections commission shall 12139
meet with the corrections commission at least once each year. 12140

(2) Each board of county commissioners that enters a contract 12141
under division (A) of this section may appoint a building 12142
commission pursuant to section 153.21 of the Revised Code. If any 12143
commissions are appointed, they shall function jointly in the 12144
construction of a multicounty or multicounty-municipal 12145
correctional center with all the powers and duties authorized by 12146
law. 12147

~~(3) Subject to the limitation described in this division, the 12148
boards of county commissioners that contract or have contracted 12149
for the joint establishment of a multicounty correctional center 12150
under division (A) of this section, or the boards of county 12151
commissioners of the counties and legislative authorities of the 12152
municipal corporations that contract or have contracted for the 12153
joint establishment of a municipal county or multicounty municipal 12154
correctional center under that division, may enter into an 12155
agreement with the director of administrative services pursuant to 12156
which the contracting counties and municipal corporations shall 12157
use the Ohio river valley facility or a specified portion of that 12158~~

~~facility as the multicounty correctional center, municipal county 12159
correctional center, or multicounty municipal correctional center 12160
covered by the contract entered into under division (A) of this 12161
section. A contract with the director of administrative services 12162
may be entered into under this division only if one or more of the 12163
contracting counties is adjacent to Scioto county. 12164~~

~~The department may enter into an agreement as described in 12165
this division at any time on or after September 29, 2017, or, if 12166
the department had entered into an agreement with the board of 12167
county commissioners of Lawrence county pursuant to section 12168
341.121 of the Revised Code for the use by the sheriff of that 12169
county of a specified portion of the facility as a jail for 12170
Lawrence county, at any time on or after the date that control of 12171
the specified portion of the facility reverts to the state under 12172
division (B)(4) or (C) of that section. 12173~~

(C) Prior to the acceptance for custody and rehabilitation 12174
into a center established under this section of any persons who 12175
are designated by the department of rehabilitation and correction, 12176
who plead guilty to or are convicted of a felony of the fourth or 12177
fifth degree, and who satisfy the other requirements listed in 12178
section 5120.161 of the Revised Code, the corrections commission 12179
of a center established under this section shall enter into an 12180
agreement with the department of rehabilitation and correction 12181
under section 5120.161 of the Revised Code for the custody and 12182
rehabilitation in the center of persons who are designated by the 12183
department, who plead guilty to or are convicted of a felony of 12184
the fourth or fifth degree, and who satisfy the other requirements 12185
listed in that section, in exchange for a per diem fee per person. 12186
Persons incarcerated in the center pursuant to an agreement 12187
entered into under this division shall be subject to supervision 12188
and control in the manner described in section 5120.161 of the 12189
Revised Code. This division does not affect the authority of a 12190

court to directly sentence a person who is convicted of or pleads 12191
guilty to a felony to the center in accordance with section 12192
2929.16 of the Revised Code. 12193

(D) Pursuant to section 2929.37 of the Revised Code, each 12194
board of county commissioners and the legislative authority of 12195
each municipal corporation that enters into a contract under 12196
division (A) of this section may require a person who was 12197
convicted of an offense, who is under the charge of the sheriff of 12198
their county or of the officer or officers of the contracting 12199
municipal corporation or municipal corporations having charge of 12200
persons incarcerated in the municipal jail, workhouse, or other 12201
correctional facility, and who is confined in the multicounty, 12202
municipal-county, or multicounty-municipal correctional center as 12203
provided in that division, to reimburse the applicable county or 12204
municipal corporation for its expenses incurred by reason of the 12205
person's confinement in the center. 12206

(E) Notwithstanding any contrary provision in this section or 12207
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 12208
corrections commission of a center may establish a policy that 12209
complies with section 2929.38 of the Revised Code and that 12210
requires any person who is not indigent and who is confined in the 12211
multicounty, municipal-county, or multicounty-municipal 12212
correctional center to pay a reception fee, a fee for medical 12213
treatment or service requested by and provided to that person, or 12214
the fee for a random drug test assessed under division (E) of 12215
section 341.26 of the Revised Code. 12216

(F)(1) The corrections commission of a center established 12217
under this section may establish a commissary for the center. The 12218
commissary may be established either in-house or by another 12219
arrangement. If a commissary is established, all persons 12220
incarcerated in the center shall receive commissary privileges. A 12221
person's purchases from the commissary shall be deducted from the 12222

person's account record in the center's business office. The 12223
commissary shall provide for the distribution to indigent persons 12224
incarcerated in the center of necessary hygiene articles and 12225
writing materials. 12226

(2) If a commissary is established, the corrections 12227
commission of a center established under this section shall 12228
establish a commissary fund for the center. The management of 12229
funds in the commissary fund shall be strictly controlled in 12230
accordance with procedures adopted by the auditor of state. 12231
Commissary fund revenue over and above operating costs and reserve 12232
shall be considered profits. All profits from the commissary fund 12233
shall be used to purchase supplies and equipment for the benefit 12234
of persons incarcerated in the center and to pay salary and 12235
benefits for employees of the center, or for any other persons, 12236
who work in or are employed for the sole purpose of providing 12237
service to the commissary. The corrections commission shall adopt 12238
rules and regulations for the operation of any commissary fund it 12239
establishes. 12240

(G) In lieu of forming a corrections commission to administer 12241
a multicounty correctional center or a municipal-county or 12242
multicounty-municipal correctional center, the boards of county 12243
commissioners and the legislative authorities of the municipal 12244
corporations contracting to establish the center may also agree to 12245
contract for the private operation and management of the center as 12246
provided in section 9.06 of the Revised Code, but only if the 12247
center houses only misdemeanor inmates. In order to enter into a 12248
contract under section 9.06 of the Revised Code, all the boards 12249
and legislative authorities establishing the center shall approve 12250
and be parties to the contract. 12251

(H) If a person who is convicted of or pleads guilty to an 12252
offense is sentenced to a term in a multicounty correctional 12253
center or a municipal-county or multicounty-municipal correctional 12254

center or is incarcerated in the center in the manner described in 12255
division (C) of this section, or if a person who is arrested for 12256
an offense, and who has been denied bail or has had bail set and 12257
has not been released on bail is confined in a multicounty 12258
correctional center or a municipal-county or multicounty-municipal 12259
correctional center pending trial, at the time of reception and at 12260
other times the officer, officers, or other person in charge of 12261
the operation of the center determines to be appropriate, the 12262
officer, officers, or other person in charge of the operation of 12263
the center may cause the convicted or accused offender to be 12264
examined and tested for tuberculosis, HIV infection, hepatitis, 12265
including but not limited to hepatitis A, B, and C, and other 12266
contagious diseases. The officer, officers, or other person in 12267
charge of the operation of the center may cause a convicted or 12268
accused offender in the center who refuses to be tested or treated 12269
for tuberculosis, HIV infection, hepatitis, including but not 12270
limited to hepatitis A, B, and C, or another contagious disease to 12271
be tested and treated involuntarily. 12272

(I) As used in this section: 12273

~~(1) "Multicounty municipal", "multicounty-municipal" means 12274~~
more than one county and a municipal corporation, or more than one 12275
municipal corporation and a county, or more than one municipal 12276
corporation and more than one county. 12277

~~(2) "Ohio river valley facility" has the same meaning as in 12278~~
~~section 341.121 of the Revised Code. 12279~~

Sec. 319.302. (A)(1) Real property that is not intended 12280
primarily for use in a business activity shall qualify for a 12281
partial exemption from real property taxation. For purposes of 12282
this partial exemption, "business activity" includes all uses of 12283
real property, except farming; leasing property for farming; 12284
occupying or holding property improved with single-family, 12285

two-family, or three-family dwellings; leasing property improved 12286
with single-family, two-family, or three-family dwellings; or 12287
holding vacant land that the county auditor determines will be 12288
used for farming or to develop single-family, two-family, or 12289
three-family dwellings. For purposes of this partial exemption, 12290
"farming" does not include land used for the commercial production 12291
of timber that is receiving the tax benefit under section 5713.23 12292
or 5713.31 of the Revised Code and all improvements connected with 12293
such commercial production of timber. 12294

(2) Each year, the county auditor shall review each parcel of 12295
real property to determine whether it qualifies for the partial 12296
exemption provided for by this section as of the first day of 12297
January of the current tax year. 12298

(B) After complying with section 319.301 of the Revised Code, 12299
the county auditor shall reduce the remaining sums to be levied by 12300
qualifying levies against each parcel of real property that is 12301
listed on the general tax list and duplicate of real and public 12302
utility property for the current tax year and that qualifies for 12303
partial exemption under division (A) of this section, and against 12304
each manufactured and mobile home that is taxed pursuant to 12305
division (D)(2) of section 4503.06 of the Revised Code and that is 12306
on the manufactured home tax list for the current tax year, by ten 12307
per cent, to provide a partial exemption for that parcel or home. 12308
For the purposes of this division: 12309

(1) "Qualifying levy" means a levy approved at an election 12310
held before September 29, 2013; a levy within the ten-mill 12311
limitation; a levy provided for by the charter of a municipal 12312
corporation that was levied on the tax list for tax year 2013; a 12313
subsequent renewal of any such levy; or a subsequent substitute 12314
for such a levy under section 5705.199 of the Revised Code. 12315

(2) "Qualifying levy" does not include any replacement 12316
imposed under section 5705.192 of the Revised Code of any levy 12317

described in division (B)(1) of this section. 12318

(C) Except as otherwise provided in sections 323.152, 12319
323.158, 323.16, 323.161, 505.06, and 715.263 of the Revised Code, 12320
the amount of the taxes remaining after any such reduction shall 12321
be the real and public utility property taxes charged and payable 12322
on each parcel of real property, including property that does not 12323
qualify for partial exemption under division (A) of this section, 12324
and the manufactured home tax charged and payable on each 12325
manufactured or mobile home, and shall be the amounts certified to 12326
the county treasurer for collection. Upon receipt of the real and 12327
public utility property tax duplicate, the treasurer shall certify 12328
to the tax commissioner the total amount by which the real 12329
property taxes were reduced under this section, as shown on the 12330
duplicate. Such reduction shall not directly or indirectly affect 12331
the determination of the principal amount of notes that may be 12332
issued in anticipation of any tax levies or the amount of bonds or 12333
notes for any planned improvements. If after application of 12334
sections 5705.31 and 5705.32 of the Revised Code and other 12335
applicable provisions of law, including divisions (F) and (I) of 12336
section 321.24 of the Revised Code, there would be insufficient 12337
funds for payment of debt charges on bonds or notes payable from 12338
taxes reduced by this section, the reduction of taxes provided for 12339
in this section shall be adjusted to the extent necessary to 12340
provide funds from such taxes. 12341

(D) The tax commissioner may adopt rules governing the 12342
administration of the partial exemption provided for by this 12343
section. 12344

(E) The determination of whether property qualifies for 12345
partial exemption under division (A) of this section is solely for 12346
the purpose of allowing the partial exemption under division (B) 12347
of this section. 12348

Sec. 319.54. (A) On all moneys collected by the county 12349
treasurer on any tax duplicate of the county, other than estate 12350
tax duplicates, and on all moneys received as advance payments of 12351
personal property and classified property taxes, the county 12352
auditor, on settlement with the treasurer and tax commissioner, on 12353
or before the date prescribed by law for such settlement or any 12354
lawful extension of such date, shall be allowed as compensation 12355
for the county auditor's services the following percentages: 12356

(1) On the first one hundred thousand dollars, two and 12357
one-half per cent; 12358

(2) On the next two million dollars, eight thousand three 12359
hundred eighteen ten-thousandths of one per cent; 12360

(3) On the next two million dollars, six thousand six hundred 12361
fifty-five ten-thousandths of one per cent; 12362

(4) On all further sums, one thousand six hundred sixty-three 12363
ten-thousandths of one per cent. 12364

If any settlement is not made on or before the date 12365
prescribed by law for such settlement or any lawful extension of 12366
such date, the aggregate compensation allowed to the auditor shall 12367
be reduced one per cent for each day such settlement is delayed 12368
after the prescribed date. No penalty shall apply if the auditor 12369
and treasurer grant all requests for advances up to ninety per 12370
cent of the settlement pursuant to section 321.34 of the Revised 12371
Code. The compensation allowed in accordance with this section on 12372
settlements made before the dates prescribed by law, or the 12373
reduced compensation allowed in accordance with this section on 12374
settlements made after the date prescribed by law or any lawful 12375
extension of such date, shall be apportioned ratably by the 12376
auditor and deducted from the shares or portions of the revenue 12377
payable to the state as well as to the county, townships, 12378
municipal corporations, and school districts. 12379

(B) For the purpose of reimbursing county auditors for the 12380
expenses associated with the increased number of applications for 12381
reductions in real property taxes under sections 323.152 and 12382
4503.065 of the Revised Code that result from the amendment of 12383
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 12384
there shall be paid from the state's general revenue fund to the 12385
county treasury, to the credit of the real estate assessment fund 12386
created by section 325.31 of the Revised Code, an amount equal to 12387
one per cent of the total annual amount of property tax relief 12388
reimbursement paid to that county under sections 323.156 and 12389
4503.068 of the Revised Code for the preceding tax year. Payments 12390
made under this division shall be made at the same times and in 12391
the same manner as payments made under section 323.156 of the 12392
Revised Code. 12393

(C) From all moneys collected by the county treasurer on any 12394
tax duplicate of the county, other than estate tax duplicates, and 12395
on all moneys received as advance payments of personal property 12396
and classified property taxes, there shall be paid into the county 12397
treasury to the credit of the real estate assessment fund created 12398
by section 325.31 of the Revised Code, an amount to be determined 12399
by the county auditor, which shall not exceed the percentages 12400
prescribed in divisions (C)(1) and (2) of this section. 12401

(1) For payments made after June 30, 2007, and before 2011, 12402
the following percentages: 12403

(a) On the first five hundred thousand dollars, four per 12404
cent; 12405

(b) On the next five million dollars, two per cent; 12406

(c) On the next five million dollars, one per cent; 12407

(d) On all further sums not exceeding one hundred fifty 12408
million dollars, three-quarters of one per cent; 12409

(e) On amounts exceeding one hundred fifty million dollars, 12410

five hundred eighty-five thousandths of one per cent. 12411

(2) For payments made in or after 2011, the following 12412
percentages: 12413

(a) On the first five hundred thousand dollars, four per 12414
cent; 12415

(b) On the next ten million dollars, two per cent; 12416

(c) On amounts exceeding ten million five hundred thousand 12417
dollars, three-fourths of one per cent. 12418

Such compensation shall be apportioned ratably by the auditor 12419
and deducted from the shares or portions of the revenue payable to 12420
the state as well as to the county, townships, municipal 12421
corporations, and school districts. 12422

(D) Each county auditor shall receive four per cent of the 12423
amount of tax collected and paid into the county treasury, on 12424
property omitted and placed by the county auditor on the tax 12425
duplicate. 12426

(E) On all estate tax moneys collected by the county 12427
treasurer, the county auditor, on settlement annually with the tax 12428
commissioner, shall be allowed, as compensation for the auditor's 12429
services under Chapter 5731. of the Revised Code, ~~the following~~ 12430
~~percentages:~~ 12431

~~(1) Four per cent on the first one hundred thousand dollars;~~ 12432

~~(2) One half of one per cent on all additional sums.~~ 12433

~~Such percentages shall be computed upon two per cent of the 12434
amount collected and reported at each annual settlement that year 12435
in excess of refunds distributed, and shall be for the use of the 12436
general fund of the county. 12437~~

(F) On all cigarette license moneys collected by the county 12438
treasurer, the county auditor, on settlement semiannually with the 12439
treasurer, shall be allowed as compensation for the auditor's 12440

services in the issuing of such licenses one-half of one per cent 12441
of such moneys, to be apportioned ratably and deducted from the 12442
shares of the revenue payable to the county and subdivisions, for 12443
the use of the general fund of the county. 12444

(G) The county auditor shall charge and receive fees as 12445
follows: 12446

(1) For deeds of land sold for taxes to be paid by the 12447
purchaser, five dollars; 12448

(2) For the transfer or entry of land, lot, or part of lot, 12449
or the transfer or entry on or after January 1, 2000, of a used 12450
manufactured home or mobile home as defined in section 5739.0210 12451
of the Revised Code, fifty cents for each transfer or entry, to be 12452
paid by the person requiring it; 12453

(3) For receiving statements of value and administering 12454
section 319.202 of the Revised Code, one dollar, or ten cents for 12455
each one hundred dollars or fraction of one hundred dollars, 12456
whichever is greater, of the value of the real property 12457
transferred or, for sales occurring on or after January 1, 2000, 12458
the value of the used manufactured home or used mobile home, as 12459
defined in section 5739.0210 of the Revised Code, transferred, 12460
except no fee shall be charged when the transfer is made: 12461

(a) To or from the United States, this state, or any 12462
instrumentality, agency, or political subdivision of the United 12463
States or this state; 12464

(b) Solely in order to provide or release security for a debt 12465
or obligation; 12466

(c) To confirm or correct a deed previously executed and 12467
recorded or when a current owner on any record made available to 12468
the general public on the internet or a publicly accessible 12469
database and the general tax list of real and public utility 12470
property and the general duplicate of real and public utility 12471

property is a peace officer, parole officer, prosecuting attorney, 12472
assistant prosecuting attorney, correctional employee, youth 12473
services employee, firefighter, EMT, or investigator of the bureau 12474
of criminal identification and investigation and is changing the 12475
current owner name listed on any record made available to the 12476
general public on the internet or a publicly accessible database 12477
and the general tax list of real and public utility property and 12478
the general duplicate of real and public utility property to the 12479
initials of the current owner as prescribed in division (B)(1) of 12480
section 319.28 of the Revised Code; 12481

(d) To evidence a gift, in trust or otherwise and whether 12482
revocable or irrevocable, between husband and wife, or parent and 12483
child or the spouse of either; 12484

(e) On sale for delinquent taxes or assessments; 12485

(f) Pursuant to court order, to the extent that such transfer 12486
is not the result of a sale effected or completed pursuant to such 12487
order; 12488

(g) Pursuant to a reorganization of corporations or 12489
unincorporated associations or pursuant to the dissolution of a 12490
corporation, to the extent that the corporation conveys the 12491
property to a stockholder as a distribution in kind of the 12492
corporation's assets in exchange for the stockholder's shares in 12493
the dissolved corporation; 12494

(h) By a subsidiary corporation to its parent corporation for 12495
no consideration, nominal consideration, or in sole consideration 12496
of the cancellation or surrender of the subsidiary's stock; 12497

(i) By lease, whether or not it extends to mineral or mineral 12498
rights, unless the lease is for a term of years renewable forever; 12499

(j) When the value of the real property or the manufactured 12500
or mobile home or the value of the interest that is conveyed does 12501
not exceed one hundred dollars; 12502

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such

transfer is without consideration and is in furtherance of the 12534
charitable or public purposes of such organization; 12535

(s) Among the heirs at law or devisees, including a surviving 12536
spouse, of a common decedent, when no consideration in money is 12537
paid or to be paid for the real property or manufactured or mobile 12538
home; 12539

(t) To a trustee of a trust, when the grantor of the trust 12540
has reserved an unlimited power to revoke the trust; 12541

(u) To the grantor of a trust by a trustee of the trust, when 12542
the transfer is made to the grantor pursuant to the exercise of 12543
the grantor's power to revoke the trust or to withdraw trust 12544
assets; 12545

(v) To the beneficiaries of a trust if the fee was paid on 12546
the transfer from the grantor of the trust to the trustee or if 12547
the transfer is made pursuant to trust provisions which became 12548
irrevocable at the death of the grantor; 12549

(w) To a corporation for incorporation into a sports facility 12550
constructed pursuant to section 307.696 of the Revised Code; 12551

(x) Between persons pursuant to section 5302.18 of the 12552
Revised Code; 12553

(y) From a county land reutilization corporation organized 12554
under Chapter 1724. of the Revised Code, or its wholly owned 12555
subsidiary, to a third party. 12556

(4) For the cost of publishing the delinquent manufactured 12557
home tax list, the delinquent tax list, and the delinquent vacant 12558
land tax list, a flat fee, as determined by the county auditor, to 12559
be charged to the owner of a home on the delinquent manufactured 12560
home tax list or the property owner of land on the delinquent tax 12561
list or the delinquent vacant land tax list. 12562

The auditor shall compute and collect the fee. The auditor 12563

shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.

The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

Sec. 321.27. (A) On settlement annually with the county auditor, the county treasurer shall be allowed as fees on all moneys collected by the treasurer on estate tax duplicates ~~the following percentages: three per cent on the first one hundred thousand dollars; two per cent on the next one hundred thousand dollars; five tenths per cent on all additional sums. Such percentages shall be computed upon~~ of the amount collected and reported at each annual settlement that year in excess of refunds distributed, and shall be for the use of the general fund of the county.

(B) On settlement semiannually with the county auditor, the county treasurer shall be allowed as fees on all cigarette license moneys collected by the treasurer one-half per cent on the amount received, to be paid upon the warrant of the auditor and

apportioned ratably and deducted from the shares of revenue 12595
payable to the county and subdivisions of the county under section 12596
5743.15 of the Revised Code, for the use of the general fund of 12597
the county. 12598

Sec. 323.153. (A) To obtain a reduction in real property 12599
taxes under division (A) or (B) of section 323.152 of the Revised 12600
Code or in manufactured home taxes under division (B) of section 12601
323.152 of the Revised Code, the owner shall file an application 12602
with the county auditor of the county in which the owner's 12603
homestead is located. 12604

To obtain a reduction in real property taxes under division 12605
(A) of section 323.152 of the Revised Code, the occupant of a 12606
homestead in a housing cooperative shall file an application with 12607
the nonprofit corporation that owns and operates the housing 12608
cooperative, in accordance with this paragraph. Not later than the 12609
first day of March each year, the corporation shall obtain 12610
applications from the county auditor's office and provide one to 12611
each new occupant. Not later than the first day of May, any 12612
occupant who may be eligible for a reduction in taxes under 12613
division (A) of section 323.152 of the Revised Code shall submit 12614
the completed application to the corporation. Not later than the 12615
fifteenth day of May, the corporation shall file all completed 12616
applications, and the information required by division (B) of 12617
section 323.159 of the Revised Code, with the county auditor of 12618
the county in which the occupants' homesteads are located. 12619
Continuing applications shall be furnished to an occupant in the 12620
manner provided in division (C)(4) of this section. 12621

(1) An application for reduction based upon a physical 12622
disability shall be accompanied by a certificate signed by a 12623
physician, and an application for reduction based upon a mental 12624
disability shall be accompanied by a certificate signed by a 12625

physician or psychologist licensed to practice in this state, 12626
attesting to the fact that the applicant is permanently and 12627
totally disabled. The certificate shall be in a form that the tax 12628
commissioner requires and shall include the definition of 12629
permanently and totally disabled as set forth in section 323.151 12630
of the Revised Code. An application for reduction based upon a 12631
disability certified as permanent and total by a state or federal 12632
agency having the function of so classifying persons shall be 12633
accompanied by a certificate from that agency. 12634

An application by a disabled veteran for the reduction under 12635
division (A)(2) of section 323.152 of the Revised Code shall be 12636
accompanied by a letter or other written confirmation from the 12637
United States department of veterans affairs, or its predecessor 12638
or successor agency, showing that the veteran qualifies as a 12639
disabled veteran. 12640

An application by the surviving spouse of a public service 12641
officer killed in the line of duty for the reduction under 12642
division (A)(3) of section 323.152 of the Revised Code shall be 12643
accompanied by a letter or other written confirmation from an 12644
employee or officer of the board of trustees of a retirement or 12645
pension fund in this state or another state or from the chief or 12646
other chief executive of the department, agency, or other employer 12647
for which the public service officer served when killed in the 12648
line of duty affirming that the public service officer was killed 12649
in the line of duty. 12650

An application for a reduction under division (A) of section 12651
323.152 of the Revised Code constitutes a continuing application 12652
for a reduction in taxes for each year in which the dwelling is 12653
the applicant's homestead. 12654

(2) An application for a reduction in taxes under division 12655
(B) of section 323.152 of the Revised Code shall be filed only if 12656
the homestead or manufactured or mobile home was transferred in 12657

the preceding year or did not qualify for and receive the 12658
reduction in taxes under that division for the preceding tax year. 12659
The application for homesteads transferred in the preceding year 12660
shall be incorporated into any form used by the county auditor to 12661
administer the tax law in respect to the conveyance of real 12662
property pursuant to section 319.20 of the Revised Code or of used 12663
manufactured homes or used mobile homes as defined in section 12664
5739.0210 of the Revised Code. The owner of a manufactured or 12665
mobile home who has elected under division (D)(4) of section 12666
4503.06 of the Revised Code to be taxed under division (D)(2) of 12667
that section for the ensuing year may file the application at the 12668
time of making that election. The application shall contain a 12669
statement that failure by the applicant to affirm on the 12670
application that the dwelling on the property conveyed is the 12671
applicant's homestead prohibits the owner from receiving the 12672
reduction in taxes until a proper application is filed within the 12673
period prescribed by division (A)(3) of this section. Such an 12674
application constitutes a continuing application for a reduction 12675
in taxes for each year in which the dwelling is the applicant's 12676
homestead. 12677

(3) Failure to receive a new application filed under division 12678
(A)(1) or (2) or notification under division (C) of this section 12679
after an application for reduction has been approved is 12680
prima-facie evidence that the original applicant is entitled to 12681
the reduction in taxes calculated on the basis of the information 12682
contained in the original application. The original application 12683
and any subsequent application, including any late application, 12684
shall be in the form of a signed statement and shall be filed on 12685
or before the thirty-first day of December of the year for which 12686
the reduction is sought. The original application and any 12687
subsequent application for a reduction in manufactured home taxes 12688
shall be filed in the year preceding the year for which the 12689
reduction is sought. The statement shall be on a form, devised and 12690

supplied by the tax commissioner, which shall require no more 12691
information than is necessary to establish the applicant's 12692
eligibility for the reduction in taxes and the amount of the 12693
reduction, and, except for homesteads that are units in a housing 12694
cooperative, shall include an affirmation by the applicant that 12695
ownership of the homestead was not acquired from a person, other 12696
than the applicant's spouse, related to the owner by consanguinity 12697
or affinity for the purpose of qualifying for the real property or 12698
manufactured home tax reduction provided for in division (A) or 12699
(B) of section 323.152 of the Revised Code. The form shall contain 12700
a statement that conviction of willfully falsifying information to 12701
obtain a reduction in taxes or failing to comply with division (C) 12702
of this section results in the revocation of the right to the 12703
reduction for a period of three years. In the case of an 12704
application for a reduction in taxes for persons described in 12705
division (A)(1)(b)(iii) of section 323.152 of the Revised Code, 12706
the form shall contain a statement that signing the application 12707
constitutes a delegation of authority by the applicant to the tax 12708
commissioner or the county auditor, individually or in 12709
consultation with each other, to examine any tax or financial 12710
records relating to the income of the applicant as stated on the 12711
application for the purpose of determining eligibility for the 12712
exemption or a possible violation of division (D) or (E) of this 12713
section. 12714

(B) A late application for a tax reduction for the year 12715
preceding the year in which an original application is filed, or 12716
for a reduction in manufactured home taxes for the year in which 12717
an original application is filed, may be filed with the original 12718
application. If the county auditor determines the information 12719
contained in the late application is correct, the auditor shall 12720
determine the amount of the reduction in taxes to which the 12721
applicant would have been entitled for the preceding tax year had 12722
the applicant's application been timely filed and approved in that 12723

year. 12724

The amount of such reduction shall be treated by the auditor 12725
as an overpayment of taxes by the applicant and shall be refunded 12726
in the manner prescribed in section 5715.22 of the Revised Code 12727
for making refunds of overpayments. The county auditor shall 12728
certify the total amount of the reductions in taxes made in the 12729
current year under this division to the tax commissioner, who 12730
shall treat the full amount thereof as a reduction in taxes for 12731
the preceding tax year and shall make reimbursement to the county 12732
therefor in the manner prescribed by section 323.156 of the 12733
Revised Code, from money appropriated for that purpose. 12734

(C)(1) If, in any year after an application has been filed 12735
under division (A)(1) or (2) of this section, the owner does not 12736
qualify for a reduction in taxes on the homestead or on the 12737
manufactured or mobile home set forth on such application, the 12738
owner shall notify the county auditor that the owner is not 12739
qualified for a reduction in taxes. 12740

(2) If, in any year after an application has been filed under 12741
division (A)(1) of this section, the occupant of a homestead in a 12742
housing cooperative does not qualify for a reduction in taxes on 12743
the homestead, the occupant shall notify the county auditor that 12744
the occupant is not qualified for a reduction in taxes or file a 12745
new application under division (A)(1) of this section. 12746

(3) If the county auditor or county treasurer discovers that 12747
~~the~~ an owner of property or occupant of a homestead in a housing 12748
cooperative not entitled to the reduction in taxes under division 12749
(A) or (B) of section 323.152 of the Revised Code failed to notify 12750
the county auditor as required by division (C)(1) or (2) of this 12751
section, a charge shall be imposed against the property in the 12752
amount by which taxes were reduced under that division for each 12753
tax year the county auditor ascertains that the property was not 12754
entitled to the reduction and was owned by the current owner or, 12755

in the case of a homestead in a housing cooperative, occupied by 12756
the current occupant. Interest shall accrue in the manner 12757
prescribed by division (B) of section 323.121 or division (G)(2) 12758
of section 4503.06 of the Revised Code on the amount by which 12759
taxes were reduced for each such tax year as if the reduction 12760
became delinquent taxes at the close of the last day the second 12761
installment of taxes for that tax year could be paid without 12762
penalty. The county auditor shall notify the owner or occupant, by 12763
ordinary mail, of the charge, of the owner's or occupant's right 12764
to appeal the charge, and of the manner in which the owner or 12765
occupant may appeal. The owner or occupant may appeal the 12766
imposition of the charge and interest by filing an appeal with the 12767
county board of revision not later than the last day prescribed 12768
for payment of real and public utility property taxes under 12769
section 323.12 of the Revised Code following receipt of the notice 12770
and occurring at least ninety days after receipt of the notice. 12771
The appeal shall be treated in the same manner as a complaint 12772
relating to the valuation or assessment of real property under 12773
Chapter 5715. of the Revised Code. The charge and any interest 12774
shall be collected as other delinquent taxes. 12775

(4) Each year during January, the county auditor shall 12776
furnish by ordinary mail a continuing application to each person 12777
receiving a reduction under division (A) of section 323.152 of the 12778
Revised Code. The continuing application shall be used to report 12779
changes in total income, ownership, occupancy, disability, and 12780
other information earlier furnished the auditor relative to the 12781
reduction in taxes on the property. The continuing application 12782
shall be returned to the auditor not later than the thirty-first 12783
day of December; provided, that if such changes do not affect the 12784
status of the homestead exemption or the amount of the reduction 12785
to which the owner is entitled under division (A) of section 12786
323.152 of the Revised Code or to which the occupant is entitled 12787
under section 323.159 of the Revised Code, the application does 12788

not need to be returned. 12789

(5) Each year during February, the county auditor, except as 12790
otherwise provided in this paragraph, shall furnish by ordinary 12791
mail an original application to the owner, as of the first day of 12792
January of that year, of a homestead or a manufactured or mobile 12793
home that transferred during the preceding calendar year and that 12794
qualified for and received a reduction in taxes under division (B) 12795
of section 323.152 of the Revised Code for the preceding tax year. 12796
In order to receive the reduction under that division, the owner 12797
shall file the application with the county auditor not later than 12798
the thirty-first day of December. If the application is not timely 12799
filed, the auditor shall not grant a reduction in taxes for the 12800
homestead for the current year, and shall notify the owner that 12801
the reduction in taxes has not been granted, in the same manner 12802
prescribed under section 323.154 of the Revised Code for 12803
notification of denial of an application. Failure of an owner to 12804
receive an application does not excuse the failure of the owner to 12805
file an original application. The county auditor is not required 12806
to furnish an application under this paragraph for any homestead 12807
for which application has previously been made on a form 12808
incorporated into any form used by the county auditor to 12809
administer the tax law in respect to the conveyance of real 12810
property or of used manufactured homes or used mobile homes, and 12811
an owner who previously has applied on such a form is not required 12812
to return an application furnished under this paragraph. 12813

(D) No person shall knowingly make a false statement for the 12814
purpose of obtaining a reduction in the person's real property or 12815
manufactured home taxes under section 323.152 of the Revised Code. 12816

(E) No person shall knowingly fail to notify the county 12817
auditor of changes required by division (C) of this section that 12818
have the effect of maintaining or securing a reduction in taxes 12819
under section 323.152 of the Revised Code. 12820

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code.

Sec. 323.155. The tax bill prescribed under section 323.131 of the Revised Code shall indicate the net amount of taxes due following the reductions in taxes under sections 319.301, 319.302, 323.152, ~~and 323.16~~, 323.161 of the Revised Code.

Any reduction in taxes under section 323.152 of the Revised Code shall be disregarded as income or resources in determining eligibility for any program or calculating any payment under Title LI of the Revised Code.

Sec. 323.161. (A) As used in this section:

(1) "Eligible county" means a county having a population of between four hundred thousand and four hundred fifty thousand.

(2) "Eligible farmer" means the owner of an urban farm that materially and substantially participates in the operation of the farm and that meets either of the following criteria:

(a) The owner meets the definition of a "socially disadvantaged farmer or rancher," "limited resource farmer or rancher," or "beginning farmer or rancher" as defined in 7 C.F.R. 760.107;

(b) The owner has received a direct farm ownership microloan or a direct farm operating microloan through the United States department of agriculture microloan program pursuant to 7 U.S.C. Chapter 50.

For the purpose of this section, an owner "materially and substantially participates" in the operation of an urban farm if the owner provides substantial day-to-day labor and management of

the farm. 12850

(3) "Urban farm" means property that is not valued for real property tax purposes under sections 5713.30 to 5713.38 of the Revised Code or receiving the tax benefit under section 5713.23 of the Revised Code and is used for processing, growing, raising, or otherwise producing agricultural products. 12851
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(4) "Agricultural product" means an agricultural, horticultural, viticultural, aquacultural, silvicultural, or vegetable product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state. "Agricultural product" includes grapes that will be processed into wine, bees, honey, fish or other aquacultural products, planting seed, livestock or livestock products, forestry products, and poultry or poultry products. 12856
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(B) The board of commissioners of an eligible county may, by resolution, establish within the territory of a municipal corporation an urban agricultural area and authorize eligible farmers that own an urban farm located within the area to apply for a tax exemption for that property pursuant to this section. The resolution shall specify all of the following: 12864
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(1) The boundaries of the urban agricultural area. All property within the area shall be contiguous and shall be located within both the county and a municipal corporation. 12870
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(2) The procedure by which an eligible farmer may apply to the county for a tax exemption; 12873
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(3) The designation of a county officer who will receive and review exemption applications from eligible farmers; 12875
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(4) Any additional eligibility requirements for the program. 12877

Upon adopting a resolution under this division, the governing body shall cause a copy of the resolution to be certified to the 12878
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county auditor, county treasurer, and tax commissioner. 12880

(C) If a board of commissioners establishes an urban 12881
agricultural area, eligible farmers that own an urban farm located 12882
within the area may apply for a tax exemption for that property, 12883
as authorized under this section. The county officer designated to 12884
review such applications shall approve the application if the 12885
applicant is an eligible farmer of an urban farm located within 12886
the area and if the applicant meets any other eligibility 12887
requirements set forth in the resolution adopted under division 12888
(B) of this section. 12889

The exemption shall apply only to taxes charged by the 12890
county, and not to taxes charged by any other taxing authority 12891
encompassing the area. The exemption may equal any percentage of 12892
such county taxes up to one hundred per cent, at the discretion of 12893
the county officer that approves the application. The exemption 12894
shall be approved for an initial term of not more than five years, 12895
and may be renewed for additional terms of not more than three 12896
years upon the filing of another application with the applicable 12897
county officer under this section. 12898

(D) If the application of an eligible farmer is approved 12899
under division (C) of this section, the county officer that 12900
approved the application shall certify the decision to the tax 12901
commissioner and, if that officer is not the county auditor, to 12902
the county auditor. In each year that property qualifies for an 12903
exemption, the county auditor shall determine the amount of taxes 12904
charged against the property by the county to be subtracted from 12905
the total amount of taxes charged against the property and shall 12906
enter the remaining taxes to be charged on the tax list. 12907

Sec. 329.12. (A) A county department of job and family 12908
services may establish an individual development account program 12909
for residents of the county. The program shall provide for 12910

establishment of accounts for participants and acceptance of 12911
contributions from individuals and entities, including the county 12912
department, to be used as matching funds for deposit in the 12913
accounts. 12914

(B) A county department shall select a fiduciary organization 12915
to administer its individual development account program. In 12916
selecting a fiduciary organization, the department shall consider 12917
all of the following regarding the organization: 12918

(1) Its ability to market the program to potential 12919
participants and matching fund contributors; 12920

(2) Its ability to invest money in the accounts in a way that 12921
provides for return with minimal risk of loss; 12922

(3) Its overall administrative capacity, including the 12923
ability to verify eligibility of individuals for participation in 12924
the program, prevent unauthorized use of matching contributions, 12925
and enforce any penalties for unauthorized uses that may be 12926
provided for by rule adopted by the director of job and family 12927
services under section 5101.971 of the Revised Code; 12928

(4) Its ability to provide financial counseling to 12929
participants; 12930

(5) Its affiliation with other activities designed to 12931
increase the independence of individuals and families through 12932
postsecondary education, home ownership, and business development; 12933

(6) Any other factor the county department considers 12934
appropriate. 12935

(C) At the time it commences the program and on the first day 12936
of each subsequent program year, the county department may make a 12937
grant to the fiduciary organization to pay all or part of the 12938
administrative costs of the program. 12939

(D) The county department shall require the fiduciary 12940

organization to collect and maintain information regarding the 12941
program, including all of the following: 12942

(1) The number of accounts established; 12943

(2) The amount deposited by each participant and the amount 12944
matched by contributions; 12945

(3) The uses of funds withdrawn from the account, including 12946
the number of participants who used funds for postsecondary 12947
educational expenses and the institutions attended, the number of 12948
personal residences purchased, and the number of participants who 12949
used funds for business capitalization; 12950

(4) The demographics of program participants; 12951

(5) The number of participants who withdrew from the program 12952
and the reasons for withdrawal. 12953

~~(E) The county department shall prepare and file with the 12954
department of job and family services a semiannual report 12955
containing the information the director of job and family services 12956
requires by rule adopted under section 5101.971 of the Revised 12957
Code, with the first report being filed at the end of the 12958
six month period following October 1, 1997. 12959~~

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 12960
health service district, there shall be appointed a board of 12961
alcohol, drug addiction, and mental health services ~~consisting of~~ 12962
~~eighteen members or fourteen members.~~ Should the 12963

Beginning on the effective date of this amendment, all newly 12964
established boards shall consist of not fewer than five and not 12965
more than nine members, to be determined by the board of county 12966
commissioners. The board of county commissioners shall adopt a 12967
resolution specifying the size that will apply to all newly 12968
established boards and shall notify the department of mental 12969
health and addiction services of its determination. 12970

Should the board of county commissioners of the county 12971
represented by a board of alcohol, drug addiction, and mental 12972
health services that existed immediately prior to the effective 12973
date of this amendment elect for the board of alcohol, drug 12974
addiction, and mental health services to remain at eighteen or 12975
fourteen members, as provided under section 340.02 of the Revised 12976
Code as it existed immediately prior to the date of this amendment 12977
a membership of that size was previously authorized under this 12978
section, the board of alcohol, drug addiction, and mental health 12979
services and the board of county commissioners shall is not be 12980
required to take any action. Should the board of alcohol, drug 12981
addiction, and mental health services county commissioners elect a 12982
recommendation for the board of alcohol, drug addiction, and 12983
mental health services to become a fourteen-member five- to 12984
nine-member board, that recommendation must be approved by the 12985
board of county commissioners of the county in which the alcohol, 12986
drug addiction, and mental health district is located in order for 12987
the transition to a fourteen-member five- to nine-member board to 12988
occur. Not later than September 30, 2013, each board of alcohol, 12989
drug addiction, and mental health services wishing to become a 12990
fourteen-member board shall notify the board of county 12991
commissioners of that recommendation. Failure of the board of 12992
county commissioners to take action within thirty days after 12993
receipt of the recommendation shall be deemed agreement by the 12994
board of county commissioners to transition to a fourteen-member 12995
board of alcohol, drug addiction, and mental health services. 12996
Should the board of county commissioners reject the 12997
recommendation, the board of county commissioners shall adopt a 12998
resolution stating that rejection within thirty days after receipt 12999
of the recommendation. Upon adoption of the resolution, the board 13000
of county commissioners shall meet with the board of alcohol, drug 13001
addiction, and mental health services to discuss the matter. After 13002
the meeting, the, the board of county commissioners shall notify 13003

the department of mental health and addiction services of its 13004
election not later than ~~January 1, 2014~~ three years after the 13005
effective date of this amendment. In a joint-county district, a 13006
~~majority~~ all of the boards of county commissioners must not reject 13007
the recommendation of a joint-county board to become a 13008
~~fourteen-member~~ five- to nine-member board in order for the 13009
transition to a ~~fourteen-member~~ five- to nine-member board to 13010
occur. ~~Should the joint county district have an even number of~~ 13011
~~counties, and the boards of county commissioners of these counties~~ 13012
~~tie in terms of whether or not to accept the recommendation of the~~ 13013
~~alcohol, drug addiction, and mental health services board, the~~ 13014
~~recommendation of the alcohol, drug addiction, and mental health~~ 13015
~~service board to become a fourteen member board shall prevail.~~ The 13016
election shall be final. Failure to provide notice of its election 13017
to the department on or before ~~January 1, 2014,~~ three years after 13018
the effective date of this amendment shall constitute an election 13019
by the board of county commissioners for the board of alcohol, 13020
drug addiction, and mental health services to continue to operate 13021
as an eighteen-member or fourteen-member board, which election 13022
shall also be final. If ~~an existing~~ a board of county 13023
commissioners provides timely notice of its election for the board 13024
of alcohol, drug addiction, and mental health services to 13025
transition to operate as a ~~fourteen-member~~ five- to nine-member 13026
board, the number of board members may decline ~~from eighteen to~~ 13027
~~fourteen~~ accordingly by attrition as ~~current~~ members' terms 13028
expire. However, the composition of the board must reflect the 13029
requirements set forth in this section ~~for fourteen member boards.~~ 13030
~~For~~ 13031

For all boards, half of the members shall be interested in 13032
mental health services and half of the members shall be interested 13033
in alcohol, drug, or gambling addiction services. All members 13034
shall be residents of the service district. The membership shall, 13035
as nearly as possible, reflect the composition of the population 13036

of the service district as to race and sex. 13037

(B) ~~For boards operating as eighteen member boards, the~~ The 13038
director of mental health and addiction services shall appoint 13039
~~eight~~ twenty per cent of the members of the board and the board of 13040
county commissioners shall appoint ~~ten~~ eighty per cent of the 13041
members. ~~For boards operating as fourteen member boards, the~~ 13042
~~director of mental health and addiction services shall appoint six~~ 13043
~~members of the board and the board of county commissioners shall~~ 13044
~~appoint eight members.~~ In a joint-county district, the board of 13045
county commissioners of each participating county shall appoint 13046
members in as nearly as possible the same proportion as that 13047
county's population bears to the total population of the district, 13048
except that at least one member shall be appointed from each 13049
participating county. 13050

(C) ~~The director of mental health and addiction services~~ 13051
~~shall ensure that at least one member of the board is a clinician~~ 13052
~~with experience in the delivery of mental health services, at~~ 13053
~~least one member of the board is a person who has received or is~~ 13054
~~receiving mental health services, at least one member of the board~~ 13055
~~is a parent or other relative of such a person, at least one~~ 13056
~~member of the board is a clinician with experience in the delivery~~ 13057
~~of addiction services, at least one member of the board is a~~ 13058
~~person who has received or is receiving addiction services, and at~~ 13059
~~least one member of the board is a parent or other relative of~~ 13060
~~such a person. A single member who meets both qualifications may~~ 13061
~~fulfill the requirement for a clinician with experience in the~~ 13062
~~delivery of mental health services and a clinician with experience~~ 13063
~~in the delivery of addiction services.~~ 13064

~~(D)~~ No member or employee of a board of alcohol, drug 13065
addiction, and mental health services shall serve as a member of 13066
the board of any provider with which the board of alcohol, drug 13067
addiction, and mental health services has entered into a contract 13068

for the provision of services or facilities. No member of a board 13069
of alcohol, drug addiction, and mental health services shall be an 13070
employee of any provider with which the board has entered into a 13071
contract for the provision of services or facilities. No person 13072
shall be an employee of a board and such a provider unless the 13073
board and provider both agree in writing. 13074

~~(E)~~(D) No person shall serve as a member of the board of 13075
alcohol, drug addiction, and mental health services whose spouse, 13076
child, parent, brother, sister, grandchild, stepparent, stepchild, 13077
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 13078
daughter-in-law, brother-in-law, or sister-in-law serves as a 13079
member of the board of any provider with which the board of 13080
alcohol, drug addiction, and mental health services has entered 13081
into a contract for the provision of services or facilities. No 13082
person shall serve as a member or employee of the board whose 13083
spouse, child, parent, brother, sister, stepparent, stepchild, 13084
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 13085
daughter-in-law, brother-in-law, or sister-in-law serves as a 13086
county commissioner of a county or counties in the alcohol, drug 13087
addiction, and mental health service district. 13088

~~(F)~~(E) Each year each board member shall attend at least one 13089
inservice training session provided or approved by the department 13090
of mental health and addiction services. 13091

~~(G)~~(F) For ~~boards operating as eighteen member~~ all boards, 13092
each member shall be appointed for a term of four years, 13093
commencing the first day of July, except that one-third of initial 13094
appointments to a newly established board, ~~and to the extent~~ 13095
~~possible to expanded boards,~~ shall be for terms of two years, 13096
one-third of initial appointments shall be for terms of three 13097
years, and one-third of initial appointments shall be for terms of 13098
four years. ~~For boards operating as fourteen member boards, each~~ 13099
~~member shall be appointed for a term of four years, commencing the~~ 13100

~~first day of July, except that four of the initial appointments to~~ 13101
~~a newly established board, and to the extent possible to expanded~~ 13102
~~boards, shall be for terms of two years, five initial appointments~~ 13103
~~shall be for terms of three years, and five initial appointments~~ 13104
~~shall be for terms of four years.~~ No member shall serve more than 13105
two consecutive four-year terms under the same appointing 13106
authority. A member may serve for three consecutive terms under 13107
the same appointing authority only if one of the terms is for less 13108
than two years. A member who has served two consecutive four-year 13109
terms or three consecutive terms totaling less than ten years is 13110
eligible for reappointment by the same appointing authority one 13111
year following the end of the second or third term, respectively. 13112

When a vacancy occurs, appointment for the expired or 13113
unexpired term shall be made in the same manner as an original 13114
appointment. The board shall notify the appointing authority 13115
either by certified mail or, if the board has record of an 13116
internet identifier of record associated with the authority, by 13117
ordinary mail and by that internet identifier of record of any 13118
vacancy and shall fill the vacancy within sixty days following 13119
that notice. 13120

Any member of the board may be removed from office by the 13121
appointing authority for neglect of duty, misconduct, or 13122
malfeasance in office, and shall be removed by the appointing 13123
authority if the member is barred by this section from serving as 13124
a board member. The member shall be informed in writing of the 13125
charges and afforded an opportunity for a hearing. Upon the 13126
absence of a member within one year from either four board 13127
meetings or from two board meetings without prior notice, the 13128
board shall notify the appointing authority, which may vacate the 13129
appointment and appoint another person to complete the member's 13130
term. 13131

Members of the board shall serve without compensation, but 13132

shall be reimbursed for actual and necessary expenses incurred in 13133
the performance of their official duties, as defined by rules of 13134
the department of mental health and addiction services. 13135

~~(H)~~(G) As used in this section, "internet identifier of 13136
record" has the same meaning as in section 9.312 of the Revised 13137
Code. 13138

Sec. 340.021. (A) In ~~an~~ a single-county alcohol, drug 13139
addiction, and mental health service district where the board of 13140
county commissioners has established an alcohol and drug addiction 13141
services board, the community mental health board established 13142
under ~~former~~ section 340.02 of the Revised Code, as it existed 13143
immediately prior to October 10, 1989, shall serve as the entity 13144
responsible for providing mental health services in the county 13145
unless subsequently a board of alcohol, drug addiction, and mental 13146
health services has been created under division (B) of this 13147
section. A 13148

A community mental health board has all the powers, duties, 13149
and obligations of a board of alcohol, drug addiction, and mental 13150
health services with regard to mental health services. An alcohol 13151
and drug addiction services board has all the powers, duties, and 13152
obligations of a board of alcohol, drug addiction, and mental 13153
health services with regard to addiction services. Any provision 13154
of the Revised Code that refers to a board of alcohol, drug 13155
addiction, and mental health services with regard to mental health 13156
services also refers to a community mental health board and any 13157
provision that refers to a board of alcohol, drug addiction, and 13158
mental health services with regard to alcohol and drug addiction 13159
services also refers to an alcohol and drug addiction services 13160
board. 13161

~~An~~ The board of county commissioners of the county 13162
represented by an alcohol and drug addiction services board ~~shall~~ 13163

~~consist~~ that consists of either eighteen members or fourteen 13164
members, ~~at the election of the board as a membership of that size~~ 13165
~~was previously authorized under this section,~~ may elect for the 13166
alcohol and drug addiction services board to remain at eighteen or 13167
fourteen members or may elect a recommendation for the alcohol and 13168
drug addiction services board to become a five- to nine-member 13169
board. ~~Not later than January 1, 2014,~~ each alcohol and drug 13170
addiction services board shall notify the department of mental 13171
health and addiction services of its election to operate as an 13172
~~eighteen member board or to operate as a fourteen member board.~~ 13173
Should a board of county commissioners elect a recommendation for 13174
the alcohol and drug addiction services board to become a five- to 13175
nine-member board, the board of county commissioners shall notify 13176
the department of mental health and addiction services of its 13177
election not later than three years after the effective date of 13178
this amendment. The election shall be final. Failure to provide 13179
notice of its election to the department on or before ~~January 1,~~ 13180
~~2014,~~ three years after the effective date of this amendment shall 13181
constitute an election for the alcohol and drug addiction services 13182
board to continue to operate as an eighteen-member or 13183
fourteen-member board. If ~~an existing~~ a board of county 13184
commissioners provides timely notice of its election for an 13185
alcohol and drug addiction services board to operate as a 13186
~~fourteen-member~~ five- to nine-member board, the number of board 13187
members may decline ~~from eighteen to fourteen~~ accordingly by 13188
attrition as current members' terms expire. However, the 13189
composition of the board must reflect the requirements set forth 13190
in this section and in applicable provisions of section 340.02 of 13191
the Revised Code for ~~fourteen-member~~ five- to nine-member boards. 13192
~~For boards operating as eighteen member boards,~~ six Twenty per 13193
cent of the members shall be appointed by the director of mental 13194
health and addiction services and ~~twelve~~ eighty per cent of the 13195
members shall be appointed by the board of county commissioners. 13196

~~The director of mental health and addiction services shall ensure that at least one member of the board is a person who has received or is receiving services for alcohol, drug, or gambling addiction, at least one member is a parent or relative of such a person, and at least one member is a clinician with experience in the delivery of addiction services.~~ The membership of the board shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex. Members shall be residents of the service district and shall be interested in alcohol, drug, or gambling addiction services. Requirements for membership, including prohibitions against certain family and business relationships, and terms of office shall be the same as those for members of boards of alcohol, drug addiction, and mental health services.

A The board of county commissioners of the county represented by a community mental health board shall consist that consists of either eighteen members or fourteen members, at the election of the board as a membership of that size was previously authorized under this section, may elect for the community mental health board to remain at eighteen or fourteen members or may elect a recommendation for the community mental health board to become a five- to nine-member board. Not later than January 1, 2014, each community mental health board shall notify the department of mental health and addiction services of its election to operate as an eighteen member board or to operate as a fourteen member board. Should a board of county commissioners elect a recommendation for a community mental health board to become a five- to nine-member board, the board of county commissioners shall notify the department of mental health and addiction services of its election not later than three years after the effective date of this amendment. The election shall be final. Failure to provide notice of its election to the department on or before ~~January 1, 2014,~~ three years after the effective date of this amendment shall

constitute an election for the community mental health board to 13230
continue to operate as an eighteen-member or fourteen-member 13231
board. If ~~an existing~~ a board of county commissioners provides 13232
timely notice of its election for the community mental health 13233
board to operate as a ~~fourteen-member~~ five- to nine-member board, 13234
the number of board members may decline ~~from eighteen to fourteen~~ 13235
accordingly by attrition as ~~current~~ members' terms expire. 13236
However, the composition of the board must reflect the 13237
requirements set forth in this section and in applicable 13238
provisions of section 340.02 of the Revised Code for 13239
~~fourteen-member~~ five- to nine-member boards. ~~For boards operating~~ 13240
~~as eighteen-member boards, six~~ Twenty per cent of the members 13241
shall be appointed by the director of mental health and addiction 13242
services and ~~twelve~~ eighty per cent of the members shall be 13243
appointed by the board of county commissioners. ~~The director of~~ 13244
~~mental health and addiction services shall ensure that at least~~ 13245
~~one member of the board is a person who has received or is~~ 13246
~~receiving mental health services, at least one member is a parent~~ 13247
~~or relative of such a person, and at least one member is a~~ 13248
~~clinician with experience in the delivery of mental health~~ 13249
~~services.~~ The membership of the board as nearly as possible shall 13250
reflect the composition of the population of the service district 13251
as to race and sex. Members shall be residents of the service 13252
district and shall be interested in mental health services. 13253
Requirements for membership, including prohibitions against 13254
certain family and business relationships, and terms of office 13255
shall be the same as those for members of boards of alcohol, drug 13256
addiction, and mental health services. 13257

(B)(1) If a board of county commissioners ~~subject to division~~ 13258
~~(A) of this section~~ did not adopt a final resolution providing for 13259
a board of alcohol, drug addiction, and mental health services on 13260
or before July 1, 2007, the board of county commissioners may 13261
establish a board of alcohol, drug addiction, and mental health 13262

services on or after September 23, 2008. To establish the board, 13263
the board of county commissioners shall adopt a resolution 13264
providing for the board's establishment. The composition of the 13265
board, the procedures for appointing members, and all other 13266
matters related to the board and its members are subject to 13267
section 340.02 of the Revised Code, with the following exceptions: 13268

(a) For initial appointments to the board, the county's 13269
community mental health board and alcohol and drug addiction 13270
services board shall jointly recommend members of those boards for 13271
reappointment and shall submit the recommendations to the board of 13272
county commissioners and the director of mental health and 13273
addiction services. 13274

(b) The appointing authorities shall appoint the initial 13275
members from among the members jointly recommended under division 13276
(B)(1)(a) of this section unless the appointment is otherwise 13277
prohibited by law. 13278

(2) If a board of alcohol, drug addiction, and mental health 13279
services is established pursuant to division (B)(1) of this 13280
section, the board has the same rights, privileges, immunities, 13281
powers, and duties that were possessed by the county's community 13282
mental health board and alcohol and drug addiction services board. 13283
When the board is established, all property and obligations of the 13284
community mental health board and alcohol and drug addiction 13285
services board shall be transferred to the board of alcohol, drug 13286
addiction, and mental health services. 13287

Sec. 340.03. (A) Subject to rules issued by the director of 13288
mental health and addiction services after consultation with 13289
relevant constituencies as required by division (A)(10) of section 13290
5119.21 of the Revised Code, each board of alcohol, drug 13291
addiction, and mental health services shall: 13292

(1) Serve as the community addiction and mental health 13293

planning agency for the county or counties under its jurisdiction, 13294
and in so doing it shall: 13295

(a) Evaluate the need for facility services, addiction 13296
services, mental health services, and recovery supports; 13297

(b) In cooperation with other local and regional planning and 13298
funding bodies and with relevant ethnic organizations, evaluate 13299
strengths and challenges and set priorities for addiction 13300
services, mental health services, and recovery supports. A board 13301
shall include treatment and prevention services when setting 13302
priorities for addiction services and mental health services. When 13303
a board sets priorities for addiction services, the board shall 13304
consult with the county commissioners of the counties in the 13305
board's service district regarding the services described in 13306
section 340.15 of the Revised Code and shall give priority to 13307
those services, except that those services shall not have a 13308
priority over services provided to pregnant women under programs 13309
developed in relation to the mandate established in section 13310
5119.17 of the Revised Code. 13311

(c) In accordance with guidelines issued by the director of 13312
mental health and addiction services under division (F) of section 13313
5119.22 of the Revised Code, annually develop and submit to the 13314
department of mental health and addiction services a community 13315
addiction and mental health plan that addresses both of the 13316
following: 13317

(i) The needs of all residents of the district currently 13318
receiving inpatient services in state-operated hospitals, the 13319
needs of other populations as required by state or federal law or 13320
programs, and the needs of all children subject to a determination 13321
made pursuant to section 121.38 of the Revised Code; 13322

(ii) The department's priorities for facility services, 13323
addiction services, mental health services, and recovery supports 13324

during the period for which the plan will be in effect. The 13325
department shall inform all of the boards of the department's 13326
priorities in a timely manner that enables the boards to know the 13327
department's priorities before the boards develop and submit the 13328
plans. 13329

In alcohol, drug addiction, and mental health service 13330
districts that have separate alcohol and drug addiction services 13331
and community mental health boards, the alcohol and drug addiction 13332
services board shall submit a community addiction plan and the 13333
community mental health board shall submit a community mental 13334
health plan. Each board shall consult with its counterpart in 13335
developing its plan and address the interaction between the local 13336
addiction and mental health systems and populations with regard to 13337
needs and priorities in developing its plan. 13338

The department shall approve or disapprove the plan, in whole 13339
or in part, in accordance with division (G) of section 5119.22 of 13340
the Revised Code. Eligibility for state and federal funding shall 13341
be contingent upon an approved plan or relevant part of a plan. 13342

If a board determines that it is necessary to amend an 13343
approved plan, the board shall submit a proposed amendment to the 13344
director. The director shall approve or disapprove all or part of 13345
the amendment in accordance with division (H) of section 5119.22 13346
of the Revised Code. 13347

The board shall operate in accordance with the plan approved 13348
by the department. 13349

(d) Promote, arrange, and implement working agreements with 13350
judicial agencies and with public and private social agencies, 13351
both public and private, and with judicial agencies including 13352
government programs that provide public benefits, for the purpose 13353
of coordinating public benefits and improving the administration 13354
and management of those government programs. 13355

(2) Investigate, or request another agency to investigate, 13356
any complaint alleging abuse or neglect of any person receiving 13357
addiction services, mental health services, or recovery supports 13358
from a community addiction services provider or community mental 13359
health services provider or alleging abuse or neglect of a 13360
resident receiving addiction services or with mental illness or 13361
severe mental disability residing in a residential facility 13362
licensed under section 5119.34 of the Revised Code. If the 13363
investigation substantiates the charge of abuse or neglect, the 13364
board shall take whatever action it determines is necessary to 13365
correct the situation, including notification of the appropriate 13366
authorities. Upon request, the board shall provide information 13367
about such investigations to the department. 13368

(3) For the purpose of section 5119.36 of the Revised Code, 13369
cooperate with the director of mental health and addiction 13370
services in visiting and evaluating whether the certifiable 13371
services and supports of a community addiction services provider 13372
or community mental health services provider satisfy the 13373
certification standards established by rules adopted under that 13374
section; 13375

(4) In accordance with criteria established under division 13376
(D) of section 5119.22 of the Revised Code, conduct program audits 13377
that review and evaluate the quality, effectiveness, and 13378
efficiency of addiction services, mental health services, and 13379
recovery supports provided by community addiction services 13380
providers and community mental health services providers under 13381
contract with the board and submit the board's findings and 13382
recommendations to the department of mental health and addiction 13383
services; 13384

(5) In accordance with section 5119.34 of the Revised Code, 13385
review an application for a residential facility license and 13386
provide to the department of mental health and addiction services 13387

any information about the applicant or facility that the board 13388
would like the department to consider in reviewing the 13389
application; 13390

(6) Audit, in accordance with rules adopted by the auditor of 13391
state pursuant to section 117.20 of the Revised Code, at least 13392
annually all programs, addiction services, mental health services, 13393
and recovery supports provided under contract with the board. In 13394
so doing, the board may contract for or employ the services of 13395
private auditors. A copy of the fiscal audit report shall be 13396
provided to the director of mental health and addiction services 13397
and the county auditor of each county in the board's district. 13398

(7) Recruit and promote local financial support for addiction 13399
services, mental health services, and recovery supports from 13400
private and public sources; 13401

(8) In accordance with guidelines issued by the department as 13402
necessary to comply with state and federal laws pertaining to 13403
financial assistance, approve fee schedules and related charges or 13404
adopt a unit cost schedule or other methods of payment for 13405
addiction services, mental health services, and recovery supports 13406
provided by community addiction services providers and community 13407
mental health services providers that have contracted with the 13408
board under section 340.036 of the Revised Code; 13409

(9) Submit to the director and the county commissioners of 13410
the county or counties served by the board, and make available to 13411
the public, an annual report of the addiction services, mental 13412
health services, and recovery supports under the jurisdiction of 13413
the board, including a fiscal accounting; 13414

(10) Establish a method for evaluating referrals for 13415
court-ordered treatment and affidavits filed pursuant to section 13416
5122.11 of the Revised Code in order to assist the probate 13417
division of the court of common pleas in determining whether there 13418

is probable cause that a respondent is subject to court-ordered 13419
treatment and whether alternatives to hospitalization are 13420
available and appropriate; 13421

(11) Designate the treatment services, provider, facility, or 13422
other placement for each person involuntarily committed to the 13423
board pursuant to Chapter 5122. of the Revised Code. The board 13424
shall provide the least restrictive and most appropriate 13425
alternative that is available for any person involuntarily 13426
committed to it and shall assure that the list of addiction 13427
services, mental health services, and recovery supports submitted 13428
and approved in accordance with division (B) of section 340.08 of 13429
the Revised Code are available to severely mentally disabled 13430
persons residing within its service district. The board shall 13431
establish the procedure for authorizing payment for the services 13432
and supports, which may include prior authorization in appropriate 13433
circumstances. In accordance with section 340.037 of the Revised 13434
Code, the board may provide addiction services and mental health 13435
services directly to a severely mentally disabled person when life 13436
or safety is endangered and when no community addiction services 13437
provider or community mental health services provider is available 13438
to provide the service. 13439

(12) Ensure that housing built, subsidized, renovated, 13440
rented, owned, or leased by the board or a community addiction 13441
services provider or community mental health services provider has 13442
been approved as meeting minimum fire safety standards and that 13443
persons residing in the housing have access to appropriate and 13444
necessary services, including culturally relevant services, from a 13445
community addiction services provider or community mental health 13446
services provider. This division does not apply to residential 13447
facilities licensed pursuant to section 5119.34 of the Revised 13448
Code. 13449

(13) Establish a mechanism for obtaining advice and 13450

involvement of persons receiving addiction services, mental health 13451
services, or recovery supports on matters pertaining to services 13452
and supports in the alcohol, drug addiction, and mental health 13453
service district; 13454

(14) Perform the duties required by rules adopted under 13455
section 5119.22 of the Revised Code regarding referrals by the 13456
board or community mental health services providers under contract 13457
with the board of individuals with mental illness or severe mental 13458
disability to class two residential facilities licensed under 13459
section 5119.34 of the Revised Code and effective arrangements for 13460
ongoing mental health services for the individuals. The board is 13461
accountable in the manner specified in the rules for ensuring that 13462
the ongoing mental health services are effectively arranged for 13463
the individuals. 13464

(B) Each board of alcohol, drug addiction, and mental health 13465
services shall establish such rules, operating procedures, 13466
standards, and bylaws, and perform such other duties as may be 13467
necessary or proper to carry out the purposes of this chapter. 13468

(C) A board of alcohol, drug addiction, and mental health 13469
services may receive by gift, grant, devise, or bequest any 13470
moneys, lands, or property for the benefit of the purposes for 13471
which the board is established, and may hold and apply it 13472
according to the terms of the gift, grant, or bequest. All money 13473
received, including accrued interest, by gift, grant, or bequest 13474
shall be deposited in the treasury of the county, the treasurer of 13475
which is custodian of the alcohol, drug addiction, and mental 13476
health services funds to the credit of the board and shall be 13477
available for use by the board for purposes stated by the donor or 13478
grantor. 13479

(D) No member or employee of a board of alcohol, drug 13480
addiction, and mental health services shall be liable for injury 13481
or damages caused by any action or inaction taken within the scope 13482

of the member's official duties or the employee's employment, 13483
whether or not such action or inaction is expressly authorized by 13484
this section or any other section of the Revised Code, unless such 13485
action or inaction constitutes willful or wanton misconduct. 13486
Chapter 2744. of the Revised Code applies to any action or 13487
inaction by a member or employee of a board taken within the scope 13488
of the member's official duties or employee's employment. For the 13489
purposes of this division, the conduct of a member or employee 13490
shall not be considered willful or wanton misconduct if the member 13491
or employee acted in good faith and in a manner that the member or 13492
employee reasonably believed was in or was not opposed to the best 13493
interests of the board and, with respect to any criminal action or 13494
proceeding, had no reasonable cause to believe the conduct was 13495
unlawful. 13496

(E) The meetings held by any committee established by a board 13497
of alcohol, drug addiction, and mental health services shall be 13498
considered to be meetings of a public body subject to section 13499
121.22 of the Revised Code. 13500

(F)(1) A board of alcohol, drug addiction, and mental health 13501
services may establish a rule, operating procedure, standard, or 13502
bylaw to allow the executive director of the board to execute both 13503
of the following types of contracts valued at twenty-five thousand 13504
dollars or less, as determined by the board, on behalf of the 13505
board without the board's prior approval: 13506

(a) Emergency contracts for clinical services or recovery 13507
support services; 13508

(b) Standard service contracts pertaining to the board's 13509
operations. 13510

(2) If a board establishes a rule, operating procedure, 13511
standard, or bylaw under division (F)(1) of this section, both of 13512
the following shall be the case: 13513

(a) The board shall define the scope of contracts described 13514
in divisions (F)(1)(a) and (b) of this section in that rule, 13515
operating procedure, standard, or bylaw. 13516

(b) The board shall disclose the existence of a contract 13517
executed pursuant to the rule, operating procedure, standard, or 13518
bylaw at the first board meeting that occurs after the contract 13519
was executed and ensure that a record of that disclosure is 13520
included in the written minutes of that meeting. 13521

(G) Each board of alcohol, drug addiction, and mental health 13522
services shall comply as a covered entity, as that term is defined 13523
in 45 C.F.R. 160.103, with the "Health Insurance Portability and 13524
Accountability Act of 1996 Standards for Privacy of Individually 13525
Identifiable Health Information" as set forth in 45 C.F.R. part 13526
160 and in 45 C.F.R. part 164, subparts A and E. 13527

Sec. 340.13. (A) As used in this section: 13528

(1) "Minority business enterprise" has the same meaning as in 13529
section 122.71 of the Revised Code. 13530

(2) "EDGE business enterprise" has the same meaning as in 13531
section ~~123.152~~122.922 of the Revised Code. 13532

(B) Any minority business enterprise that desires to bid on a 13533
contract under division (C) of this section shall first apply to 13534
the ~~equal employment opportunity coordinator in the department of~~ 13535
~~administrative services~~department of development for certification 13536
as a minority business enterprise. Any EDGE business enterprise 13537
that desires to bid on a contract under division (D) of this 13538
section shall first apply to the ~~equal employment opportunity~~ 13539
~~coordinator of the department of administrative services~~department 13540
of development for certification as an EDGE business enterprise. 13541
The ~~coordinator~~director of development shall approve the 13542
application of any minority business enterprise or EDGE business 13543

enterprise that complies with the rules adopted under section 13544
122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The 13545
~~coordinator~~director shall prepare and maintain a list of minority 13546
business enterprises and EDGE business enterprises certified under 13547
those sections. 13548

(C) From the contracts to be awarded for the purchases of 13549
equipment, materials, supplies, or services, other than contracts 13550
entered into under section 340.036 of the Revised Code, each board 13551
of alcohol, drug addiction, and mental health services shall 13552
select a number of contracts with an aggregate value of 13553
approximately fifteen per cent of the total estimated value of 13554
contracts to be awarded in the current fiscal year. The board 13555
shall set aside the contracts so selected for bidding by minority 13556
business enterprises only. The bidding procedures for such 13557
contracts shall be the same as for all other contracts awarded 13558
under section 307.86 of the Revised Code, except that only 13559
minority business enterprises certified and listed pursuant to 13560
division (B) of this section shall be qualified to submit bids. 13561

(D) To the extent that a board is authorized to enter into 13562
contracts for construction, the board shall strive to attain a 13563
yearly contract dollar procurement goal the aggregate value of 13564
which equals approximately five per cent of the aggregate value of 13565
construction contracts for the current fiscal year for EDGE 13566
business enterprises only. 13567

(E)(1) In the case of contracts set aside under division (C) 13568
of this section, if no bid is submitted by a minority business 13569
enterprise, the contract shall be awarded according to normal 13570
bidding procedures. The board shall from time to time set aside 13571
such additional contracts as are necessary to replace those 13572
contracts previously set aside on which no minority business 13573
enterprise bid. 13574

(2) If a board, after having made a good faith effort, is 13575

unable to comply with the goal of procurement for contracting with 13576
EDGE business enterprises pursuant to division (D) of this 13577
section, the board may apply in writing, on a form prescribed by 13578
the department of administrative services, to the director of 13579
mental health and addiction services for a waiver or modification 13580
of the goal. 13581

(F) This section does not preclude any minority business 13582
enterprise or EDGE business enterprise from bidding on any other 13583
contract not specifically set aside for minority business 13584
enterprises or subject to procurement goals for EDGE business 13585
enterprises. 13586

(G) Within ninety days after the beginning of each fiscal 13587
year, each board shall file a report with the department of mental 13588
health and addiction services that shows for that fiscal year the 13589
name of each minority business enterprise and EDGE business 13590
enterprise with which the board entered into a contract, the value 13591
and type of each such contract, the total value of contracts 13592
awarded under divisions (C) and (D) of this section, the total 13593
value of contracts awarded for the purchases of equipment, 13594
materials, supplies, or services, other than contracts entered 13595
into under section 340.036 of the Revised Code, and the total 13596
value of contracts entered into for construction. 13597

(H) Any person who intentionally misrepresents self as 13598
owning, controlling, operating, or participating in a minority 13599
business enterprise or an EDGE business enterprise for the purpose 13600
of obtaining contracts or any other benefits under this section 13601
shall be guilty of theft by deception as provided for in section 13602
2913.02 of the Revised Code. 13603

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or 13604
staff, ~~subject to division (B) of this section,~~ the sheriff shall 13605
convey any person charged with the commission of an offense, 13606

sentenced to imprisonment in the county jail, or in custody upon 13607
civil process to a jail in any county the sheriff considers most 13608
convenient and secure. As used in this paragraph, any county 13609
includes a contiguous county in an adjoining state. 13610

The sheriff may call such aid as is necessary in guarding, 13611
transporting, or returning such person. Whoever neglects or 13612
refuses to render such aid, when so called upon, shall forfeit and 13613
pay the sum of ten dollars, to be recovered by an action in the 13614
name and for the use of the county. 13615

Such sheriff and the sheriff's assistants shall receive such 13616
compensation for their services as the county auditor of the 13617
county from which such person was removed considers reasonable. 13618
The compensation shall be paid from the county treasury on the 13619
warrant of the auditor. 13620

The receiving sheriff shall not, pursuant to this section, 13621
convey the person received to any county other than the one from 13622
which the person was removed. 13623

~~(B)(1) If Lawrence county does not have sufficient jail space 13624
in the county or staff based upon the minimum standards for jails 13625
in Ohio promulgated pursuant to section 5120.10 of the Revised 13626
Code, instead of conveying a person in a category described in 13627
division (A) of this section to a jail in any county pursuant to 13628
that division, the Lawrence county sheriff may convey the person 13629
to the Ohio river valley facility in accordance with section 13630
341.121 of the Revised Code if an agreement for the Lawrence 13631
county sheriff's use of a portion of that facility entered into 13632
under that section then is in effect. 13633~~

~~(2) If a county other than Lawrence county does not have 13634
sufficient jail space or staff based upon the minimum standards 13635
for jails in Ohio promulgated pursuant to section 5120.10 of the 13636
Revised Code and has entered into an agreement to jail persons 13637~~

~~with the Lawrence county sheriff, instead of conveying a person in 13638
a category described in division (A) of this section to a jail in 13639
any county pursuant to that division, the sheriff of the other 13640
county may convey the person to the Ohio river valley facility in 13641
accordance with section 341.121 of the Revised Code if an 13642
agreement for the Lawrence county sheriff's use of a portion of 13643
that facility entered into under that section then is in effect. 13644~~

~~(3) As used in divisions (B)(1) and (2) of this section, 13645
"Ohio river valley facility" has the same meaning as in section 13646
341.121 of the Revised Code. 13647~~

Sec. 351.021. (A) The resolution of the county commissioners 13648
creating a convention facilities authority, or any amendment or 13649
supplement to that resolution, may authorize the authority to levy 13650
one or both of the excise taxes authorized by division (B) of this 13651
section to pay the cost of one or more facilities; to pay 13652
principal, interest, and premium on convention facilities 13653
authority tax anticipation bonds issued to pay those costs; to pay 13654
the operating costs of the authority; to pay operating and 13655
maintenance costs of those facilities; and to pay the costs of 13656
administering the excise tax. 13657

(B) The board of directors of a convention facilities 13658
authority that has been authorized pursuant to resolution adopted, 13659
amended, or supplemented by the board of county commissioners 13660
pursuant to division (A) of this section may levy, by resolution 13661
adopted on or before December 31, 1988, either or both of the 13662
following: 13663

(1) Within the territory of the authority, an additional 13664
excise tax not to exceed four per cent on each transaction. The 13665
excise tax authorized by division (B)(1) of this section shall be 13666
in addition to any excise tax levied pursuant to section 5739.08 13667
or 5739.09 of the Revised Code, or division (B)(2) of this 13668

section. 13669

(2) Within that portion of any municipal corporation that is 13670
located within the territory of the authority or within the 13671
boundaries of any township that is located within the territory of 13672
the authority, which municipal corporation or township is levying 13673
any portion of the excise tax authorized by division (A) of 13674
section 5739.08 of the Revised Code, and with the approval, by 13675
ordinance or resolution, of the legislative authority of that 13676
municipal corporation or township, an additional excise tax not to 13677
exceed nine-tenths of one per cent on each transaction. The excise 13678
tax authorized by division (B)(2) of this section may be levied 13679
only if, on the effective date of the levy specified in the 13680
resolution making the levy, the amount being levied pursuant to 13681
division (A) of section 5739.08 of the Revised Code by each 13682
municipal corporation or township in which the tax authorized by 13683
division (B)(2) of this section will be levied, when added to the 13684
amount levied under division (B)(2) of this section, does not 13685
exceed three per cent on each transaction. The excise tax 13686
authorized by division (B)(2) of this section shall be in addition 13687
to any excise tax that is levied pursuant to section 5739.08 or 13688
5739.09 of the Revised Code, or division (B)(1) of this section. 13689

(C)(1) The board of directors of a convention facilities 13690
authority that is located in an eligible Appalachian county; that 13691
has been authorized pursuant to resolution adopted, amended, or 13692
supplemented by the board of county commissioners pursuant to 13693
division (A) of this section; and that is not levying a tax under 13694
division (B)(1) or (2) of this section may levy within the 13695
territory of the authority, by resolution adopted on or before 13696
December 31, 2005, an additional excise tax not to exceed three 13697
per cent on each transaction. The excise tax authorized under 13698
division (C)(1) of this section shall be in addition to any excise 13699
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 13700

Code. 13701

As used in division (C)(1) of this section, "eligible 13702
Appalachian county" means a county in this state designated as 13703
being in the "Appalachian region" under the "Appalachian Regional 13704
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 13705
having a population less than eighty thousand according to the 13706
most recent federal decennial census. 13707

(2) Division (C)(2) of this section applies only to a 13708
convention facilities authority located in a county with a 13709
population, according to the 2000 federal decennial census, of at 13710
least one hundred thirty-five thousand and not more than one 13711
hundred fifty thousand and containing entirely within its 13712
boundaries the territory of a municipal corporation with a 13713
population according to that census of more than fifty thousand. 13714
The board of directors of such a convention facilities authority, 13715
by resolution adopted on or before November 1, 2009, may levy 13716
within the territory of the authority an excise tax on 13717
transactions by which lodging by a hotel is or is to be furnished 13718
to transient guests at a rate not to exceed three per cent on such 13719
transactions for the same purposes for which a tax may be levied 13720
under division (B) of this section. The resolution may be adopted 13721
only if the board of county commissioners of the county, by 13722
resolution, authorizes the levy of the tax. The resolution of the 13723
board of county commissioners is subject to referendum as 13724
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 13725
pursuant to those procedures, a referendum is to be held, the 13726
board's resolution does not take effect until approved by a 13727
majority of electors voting on the question. The convention 13728
facilities authority may adopt the resolution authorized by 13729
division (C)(2) of this section before the election, but the 13730
authority's resolution shall not take effect if the board of 13731
commissioners' resolution is not approved at the election. A tax 13732

levied under division (C)(2) of this section is in addition to any 13733
tax levied under section 5739.09 of the Revised Code. 13734

The board of directors of a convention facilities authority 13735
that levies an excise tax under division (C)(2) of this section 13736
may, by resolution adopted by a majority of the members of the 13737
board on or before November 1, 2021, amend the resolution levying 13738
the tax to increase the rate of the tax by not more than an 13739
additional one per cent on each transaction. The resolution shall 13740
provide that all revenue from the increase in rate shall be used 13741
for the same purposes for which a tax may be levied under division 13742
(B) of this section. The resolution may be adopted only if the 13743
board of county commissioners of the county, by resolution, 13744
authorizes the rate increase. 13745

(3) The board of directors of a convention facilities 13746
authority created between July 1, 2019, and December 31, 2019, by 13747
resolution adopted on or before December 30, 2020, may levy within 13748
the territory of the authority an excise tax on transactions by 13749
which lodging by a hotel is or is to be furnished to transient 13750
guests at a rate not to exceed three per cent on such transactions 13751
for the purposes described in division (A) of this section. This 13752
tax shall be in addition to any excise tax levied pursuant to this 13753
section or section 5739.08 or 5739.09 of the Revised Code. The 13754
resolution levying the tax shall not take effect sooner than 13755
ninety days after the convention facilities authority is created. 13756

(D) The authority shall provide for the administration and 13757
allocation of an excise tax levied pursuant to division (B) or (C) 13758
of this section. All receipts arising from those excise taxes 13759
shall be expended for the purposes provided in, and in accordance 13760
with this section and section 351.141 of the Revised Code. An 13761
excise tax levied under division (B) or (C) of this section shall 13762
remain in effect at the rate at which it is levied for at least 13763
the duration of the period for which the receipts from the tax 13764

have been anticipated and pledged pursuant to section 351.141 of 13765
the Revised Code. 13766

(E) Except as provided in division (B)(2) of this section, 13767
the levy of an excise tax on each transaction pursuant to sections 13768
5739.08 and 5739.09 of the Revised Code does not prevent a 13769
convention facilities authority from levying an excise tax 13770
pursuant to division (B) or (C) of this section. 13771

(F) A convention facilities authority located in a county 13772
with a population greater than eighty thousand but less than 13773
ninety thousand according to the 2010 federal decennial census 13774
that levies a tax under division (B) of this section may amend the 13775
resolution levying the tax to allocate a portion of the revenue 13776
from the tax for support of tourism-related sites or facilities 13777
and programs operated by the county or a municipal corporation 13778
within the county in which the authority is located or for the 13779
purpose of leasing lands for county fairs, erecting buildings for 13780
county fair purposes, making improvements on a county fairground, 13781
or for any purpose connected with the use of a county fairground 13782
or with the management thereof by the county in which the 13783
authority is located. The revenue allocated by the authority for 13784
such purposes in a calendar year shall not exceed twenty-five per 13785
cent of the total revenue from the tax in the preceding calendar 13786
year. Revenue allocated for such purposes that is not fully used 13787
by the end of the calendar year may be carried forward for use in 13788
subsequent calendar years. Any amount carried forward does not 13789
count toward the limitation on the amount that may be allocated 13790
for such purposes in succeeding calendar years. 13791

Sec. 505.881. (A) If a program grant is awarded for an 13792
eligible project under sections 122.40 to 122.4077 of the Revised 13793
Code, the board of township trustees in which the project is 13794
situated, by resolution, may levy a special assessment upon 13795

residential property within the township for the purpose of 13796
providing a contribution from the township towards the broadband 13797
funding gap for the eligible project. Assessments under this 13798
section shall be levied only upon the residential property that is 13799
subject to the eligible project. Before adopting the resolution, 13800
the board shall send written notice to each affected property 13801
owner stating the estimated assessment for that property. If an 13802
owner objects to the stated estimated assessment, the owner shall 13803
file a written objection with the board not later than two weeks 13804
after the notice is mailed. The board shall review the written 13805
objection and may revise the estimated assessment before adopting 13806
the resolution. If the property owner objects to the final 13807
assessment for the property levied in the resolution, the owner 13808
may appeal the final assessment under Chapter 2506. of the Revised 13809
Code. 13810

(B) The assessment shall be at a rate that will produce a 13811
total assessment that is not more than the township's contribution 13812
towards the funding gap for the eligible project as described in 13813
the application under section 122.4020 of the Revised Code. The 13814
board shall certify the amount to be levied upon each affected 13815
property to the county auditor, who shall enter the amount on the 13816
tax duplicate for collection by the county treasurer in equal 13817
semiannual installments in the same manner and at the same times 13818
as the collection of taxes on real property. Assessments shall be 13819
paid by owners of the properties upon which assessments are 13820
levied. 13821

(C) The assessments, when collected, shall be paid by the 13822
county auditor by warrant on the county treasurer into a special 13823
fund in the township treasury created for the purpose of funding 13824
an eligible project for which a program grant is awarded under 13825
sections 122.40 to 122.4077 of the Revised Code and that is 13826
located in the township. The board may expend moneys from the fund 13827

only for the purposes for which the assessments were levied. 13828

Sec. 727.01. Each municipal corporation shall have special 13829
power to levy and collect special assessments. The legislative 13830
authority of a municipal corporation may assess upon the abutting, 13831
adjacent, and contiguous, or other specially benefited, lots or 13832
lands in the municipal corporation, any part of the cost connected 13833
with the improvement of any street, alley, dock, wharf, pier, 13834
public road, place, boulevard, parkway, or park entrance or an 13835
easement of the municipal corporation available for the purpose of 13836
the improvement to be made in it by grading, draining, curbing, 13837
paving, repaving, repairing, treating the surface with substances 13838
designed to lay the dust on it or preserve it, constructing 13839
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 13840
disposal works and treatment plants, sewage pumping stations, 13841
water treatment plants, water pumping stations, reservoirs, and 13842
water storage tanks or standpipes, together with the facilities 13843
and appurtenances necessary and proper therefor, drains, 13844
storm-water retention basins, watercourses, water mains, or laying 13845
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 13846
thereof, or removing snow therefrom, any part of the cost and 13847
expense of planting, maintaining, and removing shade trees 13848
thereupon; any part of the cost of a voluntary action, as defined 13849
in section 3746.01 of the Revised Code, undertaken pursuant to 13850
Chapter 3746. of the Revised Code by a special improvement 13851
district created under Chapter 1710. of the Revised Code, 13852
including the cost of acquiring property with respect to which the 13853
voluntary action is undertaken; any part of the cost and expense 13854
of constructing, maintaining, repairing, cleaning, and enclosing 13855
ditches; any part of the cost and expense of operating, 13856
maintaining, and replacing heating and cooling facilities for 13857
enclosed pedestrian canopies and malls; any part of the cost and 13858
expense of acquiring and improving parking facilities and 13859

structures for off-street parking of motor vehicles or of 13860
acquiring land and improving it by clearing, grading, draining, 13861
paving, lighting, erecting, constructing, and equipping it for 13862
parking facilities and structures for off-street parking of motor 13863
vehicles, to the extent authorized by section 717.05 of the 13864
Revised Code, but only if no special assessment made for the 13865
purpose of developing off-street parking facilities and structures 13866
is levied against any land being used solely for off-street 13867
parking or against any land used solely for single or two-family 13868
dwellings; any part of the cost and expense of operating and 13869
maintaining the off-street parking facilities and structures; and 13870
any part of the cost connected with changing the channel of, or 13871
narrowing, widening, dredging, deepening, or improving, any stream 13872
or watercourse, and for constructing or improving any levees or 13873
boulevards on any stream or watercourse, or along or about any 13874
stream or watercourse, together with any retaining wall, riprap 13875
protection, bulkhead, culverts, approaches, flood gates, 13876
waterways, or drains incidental to any stream or watercourse, or 13877
for making any other improvement of any river or lake front, 13878
whether it is privately or publicly owned, which the legislative 13879
authority declares conducive to the public health, convenience, or 13880
welfare. If a program grant is awarded for an eligible project 13881
under sections 122.40 to 122.4077 of the Revised Code, a municipal 13882
corporation may levy, against dwellings that are subject to the 13883
project, a special assessment for the purpose of providing a 13884
contribution from the municipal corporation towards the funding 13885
gap for the project. The assessment shall be at a rate that will 13886
produce a total assessment that is not more than the municipal 13887
corporation's contribution towards the funding gap for the 13888
eligible project as described in the application under section 13889
122.4020 of the Revised Code. In addition, a municipal corporation 13890
may levy a special assessment for public improvement or public 13891
services plans of a district formed under Chapter 1710. of the 13892

Revised Code, as provided in that chapter. Except as otherwise 13893
provided in Chapter 1710. of the Revised Code, special assessments 13894
may be levied by any of the following methods: 13895

(A) By a percentage of the tax value of the property 13896
assessed; 13897

(B) In proportion to the benefits that may result from the 13898
improvement; 13899

(C) By the front foot of the property bounding and abutting 13900
upon the improvement. 13901

Sec. 901.171. (A) The department of agriculture may promote 13902
the use of Ohio-produced agricultural goods, including natural 13903
spring water, through the issuance of logotypes to qualified 13904
producers and processors under a promotional certification program 13905
to be developed and administered by the division of markets. 13906

(B) Pursuant to rules adopted under Chapter 119. of the 13907
Revised Code, the department may establish reasonable fees and 13908
criteria for participation in the program. All such fees shall be 13909
credited to the ~~general revenue~~ Ohio proud, international, and 13910
domestic market development fund created in section 901.20 of the 13911
Revised Code and used to finance the program. 13912

(C) The department may sell merchandise that promotes the 13913
certification program. The director of agriculture shall deposit 13914
all proceeds from the sales of merchandise in the state treasury 13915
to the credit of the Ohio proud, international, and domestic 13916
market development fund. 13917

Sec. 901.91. The director of agriculture may assess the 13918
operating funds of the department of agriculture to pay a share of 13919
the department's central support and administrative costs. The 13920
assessments shall be based on a plan that the director develops 13921
~~and submits to the director of budget and management not later~~ 13922

~~than the fifteenth day of July of the fiscal year in which the~~ 13923
~~assessments are to be made. If the director of budget and~~ 13924
~~management determines that the assessments proposed in the plan~~ 13925
~~are appropriate, the director shall approve the plan.~~ Assessments 13926
shall be paid from the funds designated in the plan and credited 13927
by means of intrastate transfer voucher to the department of 13928
agriculture central support indirect costs fund, which is hereby 13929
created in the state treasury. The fund shall be administered by 13930
the director of agriculture and used to pay central support and 13931
administrative costs of the department of agriculture. 13932

Sec. 940.05. The board of supervisors of a soil and water 13933
conservation district shall consist of five supervisors, as 13934
provided for in section 940.04 of the Revised Code. 13935

The board shall organize annually by selecting a chairperson, 13936
a secretary, and a treasurer. It shall designate one of its 13937
members as fiscal agent. A majority of the board shall constitute 13938
a quorum. The concurrence of a majority of the board in any matter 13939
shall be required for its determination. A supervisor shall 13940
receive no compensation for the supervisor's services, except when 13941
both of the following occur: 13942

(A) A district board of supervisors designates one or more of 13943
its supervisors to represent the district on a joint district 13944
board or if an agency or instrumentality of the United States, of 13945
this state, or of a political subdivision of this state requires 13946
or requests district board representation; 13947

(B) Such compensation is provided for by public moneys other 13948
than moneys in the special fund of the local district created 13949
pursuant to section 940.12 of the Revised Code. 13950

A supervisor is entitled to be reimbursed for the necessary 13951
expenses incurred in the discharge of official duties. 13952

The board of supervisors shall furnish to the Ohio soil and water conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents it adopts or employs and other information concerning its activities as it requires in the performance of its duties under this chapter.

At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

The Except as otherwise provided in section 3.061 of the Revised Code, the board shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted. Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office.

Sec. 940.111. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

(2) "Soil and water district officials" includes the board of supervisors of a soil and water conservation district and employees of the district.

(3) "Soil and water district expenses" includes payments or any other expense a person owes or otherwise pays to a soil and

water conservation district under the authority of this chapter. 13983

(B) Notwithstanding any other section of the Revised Code, 13984
the board of supervisors of a soil and water conservation district 13985
may adopt a resolution authorizing the acceptance of payments by 13986
financial transaction devices for soil and water district 13987
expenses. 13988

The resolution shall include the following: 13989

(1) A specification of those soil and water district 13990
officials who are authorized to accept payments by financial 13991
transaction device; 13992

(2) A list of soil and water district expenses that may be 13993
paid for through the use of a financial transaction device; 13994

(3) Specific identification of financial transaction devices 13995
that the board authorizes as acceptable means of payment for soil 13996
and water district expenses. Uniform acceptance of financial 13997
transaction devices among different types of soil and water 13998
district expenses is not required. 13999

(4) The amount, if any, authorized as a surcharge or 14000
convenience fee under division (D) of this section for persons 14001
using a financial transaction device. Uniform application of 14002
surcharges or convenience fees among different types of soil and 14003
water district expenses is not required. 14004

(5) A specific provision as provided in division (F) of this 14005
section requiring the payment of a penalty if a payment made by 14006
means of a financial transaction device is returned or dishonored 14007
for any reason. 14008

The board's resolution shall also designate the county 14009
treasurer as an administrative agent to solicit proposals, within 14010
guidelines established by the board in the resolution and in 14011
compliance with the procedures provided in division (C) of this 14012

section, from financial institutions, issuers of financial 14013
transaction devices, and processors of financial transaction 14014
devices, to make recommendations about those proposals to the 14015
board, and to assist the soil and water conservation district in 14016
implementing the board's financial transaction devices program. 14017
The county treasurer may decline this responsibility within thirty 14018
days after receiving a copy of the board's resolution by notifying 14019
the board in writing within that period. If the treasurer so 14020
notifies the board, the board shall perform the duties of the 14021
administrative agent. 14022

If the county treasurer is the administrative agent and fails 14023
to administer the board's financial transaction devices program in 14024
accordance with the guidelines in the board's resolution, the 14025
board shall notify the treasurer in writing of the board's 14026
findings, explain the failures, and give the treasurer six months 14027
to correct the failures. If the treasurer fails to make the 14028
appropriate corrections within that six-month period, the board 14029
may adopt a resolution declaring the board to be the 14030
administrative agent. The board may later rescind that resolution 14031
at its discretion. 14032

(C) The board shall follow the procedures provided in this 14033
division whenever it plans to contract with financial 14034
institutions, issuers of financial transaction devices, or 14035
processors of financial transaction devices for the purposes of 14036
this section. The administrative agent shall request proposals 14037
from at least three financial institutions, issuers of financial 14038
transaction devices, or processors of financial transaction 14039
devices, as appropriate in accordance with the resolution adopted 14040
under division (B) of this section. Prior to sending any financial 14041
institution, issuer, or processor a copy of any such request, the 14042
board shall advertise its intent to request proposals in a 14043
newspaper of general circulation in the soil and water 14044

conservation district once a week for two consecutive weeks or as 14045
provided in section 7.16 of the Revised Code. 14046

The notice shall: 14047

(1) State that the board intends to request proposals; 14048

(2) Specify the purpose of the request; 14049

(3) Indicate the date, which shall be at least ten days after 14050
the second publication, on which the request for proposals will be 14051
mailed to financial institutions, issuers, or processors; 14052

(4) Require that any financial institution, issuer, or 14053
processor, whichever is appropriate, interested in receiving the 14054
request for proposals submit written notice of this interest to 14055
the board not later than noon of the day on which the request for 14056
proposals will be mailed. 14057

Upon receiving the proposals, the administrative agent shall 14058
review them and make a recommendation to the board on which 14059
proposals to accept. The board shall consider the agent's 14060
recommendation and review all proposals submitted, and then may 14061
choose to contract with any or all of the entities submitting 14062
proposals, as appropriate. The board shall provide any financial 14063
institution, issuer, or processor that submitted a proposal, but 14064
with which the board does not enter into a contract, notice that 14065
its proposal is rejected. The notice shall state the reasons for 14066
the rejection, indicate whose proposals were accepted, and provide 14067
a copy of the terms and conditions of the successful bids. 14068

(D) A board of supervisors of a soil and water conservation 14069
district may establish a surcharge or convenience fee that may be 14070
imposed upon a person making payment by a financial transaction 14071
device. The surcharge or convenience fee shall not be imposed 14072
unless authorized or otherwise permitted by the rules prescribed 14073
by an agreement governing the use and acceptance of the financial 14074
transaction device. If a surcharge or convenience fee is imposed, 14075

the board shall clearly post a notice and shall notify each person 14076
making a payment by such a device about the surcharge or fee. 14077
Notice to each person making a payment shall be provided 14078
regardless of the medium used to make the payment and in a manner 14079
appropriate to that medium. 14080

Each notice shall include all of the following: 14081

(1) A statement that there is a surcharge or convenience fee 14082
for using a financial transaction device; 14083

(2) The total amount of the charge or fee expressed in 14084
dollars and cents for each transaction, or the rate of the charge 14085
or fee expressed as a percentage of the total amount of the 14086
transaction, whichever is applicable; 14087

(3) A clear statement that the surcharge or convenience fee 14088
is nonrefundable. 14089

(E) If a person elects to make a payment to the soil and 14090
water conservation district by a financial transaction device and 14091
a surcharge or convenience fee is imposed, the payment of the 14092
surcharge or fee shall be considered voluntary and the surcharge 14093
or fee is not refundable. 14094

(F) If a person makes payment by financial transaction device 14095
and the payment is returned or dishonored for any reason, the 14096
person is liable to the soil and water conservation district for 14097
payment of a penalty over and above the amount of the expense due. 14098
The board shall determine the amount of the penalty, which may be 14099
either a fee not to exceed twenty dollars or payment of the amount 14100
necessary to reimburse the district for banking charges, legal 14101
fees, or other expenses incurred by the district in collecting the 14102
returned or dishonored payment. The remedies and procedures 14103
provided in this section are in addition to any other available 14104
civil or criminal remedies provided by law. 14105

(G) No person making any payment by financial transaction 14106

device to a soil and water conservation district shall be relieved 14107
from liability for the underlying obligation except to the extent 14108
that the district realizes final payment of the underlying 14109
obligation in cash or its equivalent. If final payment is not made 14110
by the financial transaction device issuer or other guarantor of 14111
payment in the transaction, the underlying obligation survives and 14112
the district retains all remedies for enforcement that would have 14113
applied if the transaction had not occurred. 14114

(H) A soil and water district official who accepts a 14115
financial transaction device payment in accordance with this 14116
section and any applicable state or local policies or rules is 14117
immune from personal liability for the final collection of such 14118
payments. 14119

Sec. 955.15. (A) The board of county commissioners shall 14120
provide nets and other suitable devices for the taking of dogs in 14121
a humane manner, provide a suitable place for impounding dogs, 14122
make proper provision for feeding and caring for the same, and 14123
provide humane devices and methods for destroying dogs. ~~In any~~ 14124
~~county in which there is a~~ 14125

(B) The dog warden shall deliver any dog that the warden or 14126
the warden's deputies have seized to one of the following: 14127

(1) A dog pound operated by the county; 14128

(2) A society for the prevention of cruelty to children and 14129
animals, ~~having that has~~ one or more agents ~~and maintaining,~~ 14130
operates an animal shelter suitable for a dog pound, and maintains 14131
devices for humanely destroying dogs, ~~the board need not furnish a~~ 14132
dog pound, ~~but the county dog warden shall deliver all dogs seized~~ 14133
by the warden and the warden's deputies to such society at its 14134
animal shelter, ~~there to be dealt with in accordance with law.~~ 14135
The; 14136

(3) An animal shelter that operates in a manner suitable for a dog pound and maintains devices for humanely destroying dogs. The warden shall deliver dogs to the animal shelter only if the board of county commissioners has entered into a written agreement with the animal shelter to operate on behalf of the county.

A pound, society, or shelter to which a dog has been delivered under division (B) of this section shall deal with the dog in accordance with law.

(C) The board shall provide for the payment of reasonable compensation to ~~such~~ a society or shelter described in division (B) of this section for its services so performed out of the dog and kennel fund. ~~The~~

(D) The board may designate and appoint any officers regularly employed by any society organized under sections 1717.02 to 1717.05 of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections 955.01 to 955.27 of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs.

Sec. 1121.30. (A) All assessments, fees, charges, and forfeitures provided for in Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code, except civil penalties assessed pursuant to section 1121.35 or 1315.152 of the Revised Code, shall be paid to the superintendent of financial institutions, and the superintendent shall deposit them into the state treasury to the credit of the banks fund, which is hereby created.

(B) The superintendent may expend or obligate the banks fund to defray the costs of the division of financial institutions in administering Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code. The superintendent shall pay from the fund all actual and necessary expenses incurred by the

superintendent, including for any services rendered by the 14168
department of commerce for the division's administration of 14169
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 14170
Revised Code. The fund shall be assessed a proportionate share of 14171
the administrative costs of the department and the division of 14172
financial institutions. The proportionate share of the 14173
administration costs of the division of financial institutions 14174
shall be determined in accordance with procedures prescribed by 14175
the superintendent ~~and approved by the director of budget and~~ 14176
~~management~~. The amount assessed for the fund's proportional share 14177
of the department's administrative costs and the division's 14178
administrative costs shall be paid from the banks fund to the 14179
division of administration fund and the division of financial 14180
institutions fund respectively. 14181

(C) Any money deposited into the state treasury to the credit 14182
of the banks fund, but not expended or encumbered by the 14183
superintendent to defray the costs of administering Chapters 1101. 14184
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 14185
shall remain in the banks fund for expenditures by the 14186
superintendent in subsequent years and shall not be used for any 14187
purpose other than as set forth in this section. 14188

Sec. 1181.06. There is hereby created in the state treasury 14189
the financial institutions fund. The fund shall receive 14190
assessments on the banks fund established under section 1121.30 of 14191
the Revised Code, the credit unions fund established under section 14192
1733.321 of the Revised Code, and the consumer finance fund 14193
established under section 1321.21 of the Revised Code in 14194
accordance with procedures prescribed by the superintendent of 14195
financial institutions ~~and approved by the director of budget and~~ 14196
~~management~~. Such assessments shall be in addition to any 14197
assessments on these funds required under division (G) of section 14198
121.08 of the Revised Code. All operating expenses of the division 14199

of financial institutions shall be paid from the financial 14200
institutions fund. Money in the fund shall be used only for that 14201
purpose. 14202

Sec. 1321.21. All fees, charges, penalties, and forfeitures 14203
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 14204
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 14205
the Revised Code shall be paid to the superintendent of financial 14206
institutions and shall be deposited by the superintendent into the 14207
state treasury to the credit of the consumer finance fund, which 14208
is hereby created. The fund may be expended or obligated by the 14209
superintendent for the defrayment of the costs of administration 14210
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 14211
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 14212
Code by the division of financial institutions. All actual and 14213
necessary expenses incurred by the superintendent, including any 14214
services rendered by the department of commerce for the division's 14215
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 14216
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 14217
the Revised Code, shall be paid from the fund. The fund shall be 14218
assessed a proportionate share of the administrative costs of the 14219
department and the division. The proportionate share of the 14220
administrative costs of the division of financial institutions 14221
shall be determined in accordance with procedures prescribed by 14222
the superintendent ~~and approved by the director of budget and~~ 14223
~~management~~. Such assessment shall be paid from the consumer 14224
finance fund to the division of administration fund or the 14225
financial institutions fund. 14226

Periodically, in accordance with a schedule the director 14227
establishes by rule, but at least once every three months, the 14228
director of budget and management shall transfer five per cent of 14229
all charges, penalties, and forfeitures received into the consumer 14230
finance fund to the financial literacy education fund created 14231

under section 121.085 of the Revised Code. 14232

Sec. 1322.09. (A) An application for a certificate of 14233
registration shall be in writing, under oath, and in a form 14234
prescribed by the superintendent of financial institutions that 14235
complies with the requirements of the nationwide mortgage 14236
licensing system and registry. The application shall be 14237
accompanied by a nonrefundable application fee of ~~five~~ seven 14238
hundred dollars for each location of an office to be maintained by 14239
the applicant in accordance with division (A) of section 1322.07 14240
of the Revised Code and any additional fee required by the 14241
nationwide mortgage licensing system and registry. 14242

(B) Upon the filing of the application and payment of the 14243
nonrefundable application fee and any fee required by the 14244
nationwide mortgage licensing system and registry, the 14245
superintendent shall investigate the applicant and any individual 14246
whose identity is required to be disclosed in the application. As 14247
part of that investigation, the superintendent shall conduct a 14248
civil records check. 14249

If, in order to issue a certificate of registration to an 14250
applicant, additional investigation by the superintendent outside 14251
this state is necessary, the superintendent may require the 14252
applicant to advance sufficient funds to pay the actual expenses 14253
of the investigation, if it appears that these expenses will 14254
exceed five hundred dollars. The superintendent shall provide the 14255
applicant with an itemized statement of the actual expenses that 14256
the applicant is required to pay. 14257

(C) In connection with applying for a certificate of 14258
registration, the applicant shall furnish to the nationwide 14259
mortgage licensing system and registry information concerning the 14260
applicant's identity, including all of the following: 14261

(1) The applicant's fingerprints for submission to the 14262

federal bureau of investigation, and any other governmental agency 14263
or entity authorized to receive such information, for purposes of 14264
a state, national, and international criminal history background 14265
check; 14266

(2) Personal history and experience in a form prescribed by 14267
the nationwide mortgage licensing system and registry, along with 14268
authorization for the superintendent and the nationwide mortgage 14269
licensing system and registry to obtain both of the following: 14270

(a) An independent credit report from a consumer reporting 14271
agency; 14272

(b) Information related to any administrative, civil, or 14273
criminal findings by any governmental jurisdiction. 14274

(D) The superintendent shall pay all funds advanced and 14275
application and renewal fees and penalties the superintendent 14276
receives pursuant to this section and section 1322.10 of the 14277
Revised Code to the treasurer of state to the credit of the 14278
consumer finance fund created in section 1321.21 of the Revised 14279
Code. 14280

(E) If an application for a certificate of registration does 14281
not contain all of the information required under this section, 14282
and if that information is not submitted to the superintendent or 14283
to the nationwide mortgage licensing system and registry within 14284
ninety days after the superintendent or the nationwide mortgage 14285
licensing system and registry requests the information in writing, 14286
including by electronic transmission or facsimile, the 14287
superintendent may consider the application withdrawn. 14288

(F) A certificate of registration and the authority granted 14289
under that certificate is not transferable or assignable and 14290
cannot be franchised by contract or any other means. 14291

(G)(1) The superintendent may establish relationships or 14292
enter into contracts with the nationwide mortgage licensing system 14293

and registry, or any entities designated by it, to collect and 14294
maintain records and process transaction fees or other fees 14295
related to mortgage lender, mortgage servicer, or mortgage broker 14296
certificates of registration or the persons associated with a 14297
mortgage lender, mortgage servicer, or mortgage broker. 14298

(2) For purposes of this section and to reduce the points of 14299
contact that the federal bureau of investigation may have to 14300
maintain, the division of financial institutions may use the 14301
nationwide mortgage licensing system and registry as a channeling 14302
agent for requesting information from and distributing information 14303
to the United States department of justice or other governmental 14304
agencies. 14305

(3) For purposes of this section and to reduce the points of 14306
contact that the division may have to maintain, the division may 14307
use the nationwide mortgage licensing system and registry as a 14308
channeling agent for requesting information from and distributing 14309
information to any source as determined by the division. 14310

Sec. 1322.10. (A) Upon the conclusion of the investigation 14311
required under division (B) of section 1322.09 of the Revised 14312
Code, the superintendent of financial institutions shall issue a 14313
certificate of registration to the applicant if the superintendent 14314
finds that the following conditions are met: 14315

(1) The application is accompanied by the application fee and 14316
any fee required by the nationwide mortgage licensing system and 14317
registry. 14318

(a) If a check or other draft instrument is returned to the 14319
superintendent for insufficient funds, the superintendent shall 14320
notify the applicant by certified mail, return receipt requested, 14321
that the application will be withdrawn unless the applicant, 14322
within thirty days after receipt of the notice, submits the 14323
application fee and a one-hundred-dollar penalty to the 14324

superintendent. If the applicant does not submit the application 14325
fee and penalty within that time period, or if any check or other 14326
draft instrument used to pay the fee or penalty is returned to the 14327
superintendent for insufficient funds, the application shall be 14328
withdrawn. 14329

(b) If a check or other draft instrument is returned to the 14330
superintendent for insufficient funds after the certificate of 14331
registration has been issued, the superintendent shall notify the 14332
registrant by certified mail, return receipt requested, that the 14333
certificate of registration issued in reliance on the check or 14334
other draft instrument will be canceled unless the registrant, 14335
within thirty days after receipt of the notice, submits the 14336
application fee and a one-hundred-dollar penalty to the 14337
superintendent. If the registrant does not submit the application 14338
fee and penalty within that time period, or if any check or other 14339
draft instrument used to pay the fee or penalty is returned to the 14340
superintendent for insufficient funds, the certificate of 14341
registration shall be canceled immediately without a hearing, and 14342
the registrant shall cease activity as a mortgage broker. 14343

(2) If the application is for a location that is a residence, 14344
evidence that the use of the residence to transact business as a 14345
mortgage lender or mortgage broker is not prohibited. 14346

(3) The applicant maintains all necessary filings and 14347
approvals required by the secretary of state. 14348

(4) The applicant complies with the surety bond requirements 14349
of section 1322.32 of the Revised Code. 14350

(5) The applicant has not made a material misstatement of 14351
fact or material omission of fact in the application. 14352

(6) Neither the applicant nor any person whose identity is 14353
required to be disclosed on an application for a certificate of 14354
registration has had such a certificate of registration or 14355

mortgage loan originator license, or any comparable authority, 14356
revoked in any governmental jurisdiction or has pleaded guilty or 14357
nolo contendere to or been convicted of a disqualifying offense as 14358
determined in accordance with section 9.79 of the Revised Code. 14359

(7) The applicant's operations manager successfully completed 14360
the examination required by section 1322.27 of the Revised Code. 14361

(8) The applicant's financial responsibility, experience, and 14362
general fitness command the confidence of the public and warrant 14363
the belief that the business will be operated honestly, fairly, 14364
and efficiently in compliance with the purposes of this chapter 14365
and the rules adopted thereunder. The superintendent shall not use 14366
a credit score or a bankruptcy as the sole basis for registration 14367
denial. 14368

(B) For purposes of determining whether an applicant that is 14369
a partnership, corporation, or other business entity or 14370
association has met the conditions set forth in divisions (A)(6) 14371
and (8) of this section, the superintendent shall determine which 14372
partners, shareholders, or persons named in the application must 14373
meet those conditions. This determination shall be based on the 14374
extent and nature of the partner's, shareholder's, or person's 14375
ownership interest in the partnership, corporation, or other 14376
business entity or association that is the applicant and on 14377
whether the person is in a position to direct, control, or 14378
adversely influence the operations of the applicant. 14379

(C) The certificate of registration issued pursuant to 14380
division (A) of this section may be renewed annually on or before 14381
the thirty-first day of December if the superintendent finds that 14382
all of the following conditions are met: 14383

(1) The renewal application is accompanied by a nonrefundable 14384
renewal fee of ~~five~~ seven hundred dollars for each location of an 14385
office to be maintained by the applicant in accordance with 14386

division (A) of section 1322.07 of the Revised Code and any fee 14387
required by the nationwide mortgage licensing system and registry. 14388
If a check or other draft instrument is returned to the 14389
superintendent for insufficient funds, the superintendent shall 14390
notify the registrant by certified mail, return receipt requested, 14391
that the certificate of registration renewed in reliance on the 14392
check or other draft instrument will be canceled unless the 14393
registrant, within thirty days after receipt of the notice, 14394
submits the renewal fee and a one-hundred-dollar penalty to the 14395
superintendent. If the registrant does not submit the renewal fee 14396
and penalty within that time period, or if any check or other 14397
draft instrument used to pay the fee or penalty is returned to the 14398
superintendent for insufficient funds, the certificate of 14399
registration shall be canceled immediately without a hearing and 14400
the registrant shall cease activity as a mortgage broker. 14401

(2) The operations manager designated under section 1322.12 14402
of the Revised Code has completed at least eight hours of 14403
continuing education as required under section 1322.28 of the 14404
Revised Code. 14405

(3) The applicant meets the conditions set forth in divisions 14406
(A)(2), (3), (4), (5), (7), and (8) of this section. 14407

(4) Neither the applicant nor any person whose identity is 14408
required to be disclosed on the renewal application has had a 14409
certificate of registration or mortgage loan originator license, 14410
or any comparable authority, revoked in any governmental 14411
jurisdiction or has pleaded guilty or nolo contendere to or been 14412
convicted of any of the following in a domestic, foreign, or 14413
military court: 14414

(a) During the seven-year period immediately preceding the 14415
date of the renewal application but excluding any time before the 14416
certificate of registration was issued, a misdemeanor involving 14417
theft or any felony; 14418

(b) At any time between the date of the original certificate 14419
of registration and the date of the renewal application, a felony 14420
involving an act of fraud, dishonesty, a breach of trust, theft, 14421
or money laundering. 14422

(5) The applicant's certificate of registration is not 14423
subject to an order of suspension or an unpaid and past due fine 14424
imposed by the superintendent. 14425

(D)(1) Subject to division (D)(2) of this section, if a 14426
renewal fee or additional fee required by the nationwide mortgage 14427
licensing system and registry is received by the superintendent 14428
after the thirty-first day of December, the certificate of 14429
registration shall not be considered renewed, and the applicant 14430
shall cease activity as a mortgage lender or mortgage broker. 14431

(2) Division (D)(1) of this section shall not apply if the 14432
applicant, not later than forty-five days after the renewal 14433
deadline, submits the renewal fee or additional fee and a 14434
~~one hundred dollar~~ one hundred-fifty-dollar penalty to the 14435
superintendent. 14436

(E) Certificates of registration issued under this chapter 14437
annually expire on the thirty-first day of December. 14438

(F) The pardon or expungement of a conviction shall not be 14439
considered a conviction for purposes of this section. 14440

Sec. 1322.20. (A) An application for a license as a mortgage 14441
loan originator shall be in writing, under oath, and in a form 14442
prescribed by the superintendent of financial institutions that 14443
complies with the requirements of the nationwide mortgage 14444
licensing system and registry. The application shall be 14445
accompanied by a nonrefundable application fee of ~~one~~ two hundred 14446
~~fifty~~ dollars and any additional fee required by the nationwide 14447
mortgage licensing system and registry. 14448

(B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:

(a) Twenty hours of instruction in an approved education course;

(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning Ohio lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.

(2) If an applicant held a valid mortgage loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account.

(3) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.

(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:

(1) Evidence that the applicant passed a written test that meets the requirements described in section 1322.27 of the Revised Code;

(2) Any further information that the superintendent requires.

(D) Upon the filing of the application and payment of the

application fee and any fee required by the nationwide mortgage 14479
licensing system and registry, the superintendent of financial 14480
institutions shall investigate the applicant. As part of that 14481
investigation, the superintendent shall conduct a civil records 14482
check. 14483

If, in order to issue a license to an applicant, additional 14484
investigation by the superintendent outside this state is 14485
necessary, the superintendent may require the applicant to advance 14486
sufficient funds to pay the actual expenses of the investigation, 14487
if it appears that these expenses will exceed five hundred 14488
dollars. The superintendent shall provide the applicant with an 14489
itemized statement of the actual expenses that the applicant is 14490
required to pay. 14491

(E) In connection with applying for a loan originator 14492
license, the applicant shall furnish to the nationwide mortgage 14493
licensing system and registry information concerning the 14494
applicant's identity, including all of the following: 14495

(1) The applicant's fingerprints for submission to the 14496
federal bureau of investigation, and any other governmental agency 14497
or entity authorized to receive such information, for purposes of 14498
a state, national, and international criminal history background 14499
check; 14500

(2) Personal history and experience in a form prescribed by 14501
the nationwide mortgage licensing system and registry, along with 14502
authorization for the superintendent and the nationwide mortgage 14503
licensing system and registry to obtain both of the following: 14504

(a) An independent credit report from a consumer reporting 14505
agency; 14506

(b) Information related to any administrative, civil, or 14507
criminal findings by any governmental jurisdiction. 14508

(F) The superintendent shall pay all funds advanced and 14509

application and renewal fees and penalties the superintendent 14510
receives pursuant to this section and section 1322.21 of the 14511
Revised Code to the treasurer of state to the credit of the 14512
consumer finance fund created in section 1321.21 of the Revised 14513
Code. 14514

(G) If an application for a mortgage loan originator license 14515
does not contain all of the information required under this 14516
section, and if that information is not submitted to the 14517
superintendent or to the nationwide mortgage licensing system and 14518
registry within ninety days after the superintendent or the 14519
nationwide mortgage licensing system and registry requests the 14520
information in writing, including by electronic transmission or 14521
facsimile, the superintendent may consider the application 14522
withdrawn. 14523

(H)(1) The superintendent may establish relationships or 14524
enter into contracts with the nationwide mortgage licensing system 14525
and registry, or any entities designated by it, to collect and 14526
maintain records and process transaction fees or other fees 14527
related to mortgage loan originator licenses or the persons 14528
associated with a licensee. 14529

(2) For purposes of this section and to reduce the points of 14530
contact that the federal bureau of investigation may have to 14531
maintain, the division of financial institutions may use the 14532
nationwide mortgage licensing system and registry as a channeling 14533
agent for requesting information from and distributing information 14534
to the United States department of justice or other governmental 14535
agencies. 14536

(3) For purposes of this section and to reduce the points of 14537
contact that the division may have to maintain, the division may 14538
use the nationwide mortgage licensing system and registry as a 14539
channeling agent for requesting information from and distributing 14540
information to any source as determined by the division. 14541

(I) A mortgage loan originator license, or the authority granted under that license, is not assignable or transferable. 14542
14543

Sec. 1322.21. (A) Upon the conclusion of the investigation required under division (C) of section 1322.20 of the Revised Code, the superintendent of financial institutions shall issue a mortgage loan originator license to the applicant if the superintendent finds that the following conditions are met: 14544
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(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry. 14549
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14551

(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn. 14552
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(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the license has been issued, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license issued in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is 14563
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returned to the superintendent for insufficient funds, the license 14573
shall be canceled immediately without a hearing, and the licensee 14574
shall cease activity as a loan originator. 14575

(2) The applicant has not made a material misstatement of 14576
fact or material omission of fact in the application. 14577

(3) The applicant has not been convicted of or pleaded guilty 14578
or nolo contendere to a disqualifying offense as determined in 14579
accordance with section 9.79 of the Revised Code. 14580

(4) The applicant completed the prelicensing instruction set 14581
forth in division (B) of section 1322.20 of the Revised Code. 14582

(5) The applicant's financial responsibility and general 14583
fitness command the confidence of the public and warrant the 14584
belief that the business will be operated honestly and fairly in 14585
compliance with the purposes of this chapter. The superintendent 14586
shall not use a credit score or bankruptcy as the sole basis for a 14587
license denial. 14588

(6) The applicant is in compliance with the surety bond 14589
requirements of section 1322.32 of the Revised Code. 14590

(7) The applicant has not had a mortgage loan originator 14591
license, or comparable authority, revoked in any governmental 14592
jurisdiction. 14593

(B) The license issued under division (A) of this section may 14594
be renewed annually on or before the thirty-first day of December 14595
if the superintendent finds that all of the following conditions 14596
are met: 14597

(1) The renewal application is accompanied by a nonrefundable 14598
renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required 14599
by the nationwide mortgage licensing system and registry. If a 14600
check or other draft instrument is returned to the superintendent 14601
for insufficient funds, the superintendent shall notify the 14602

licensee by certified mail, return receipt requested, that the 14603
license renewed in reliance on the check or other draft instrument 14604
will be canceled unless the licensee, within thirty days after 14605
receipt of the notice, submits the renewal fee and a 14606
one-hundred-dollar penalty to the superintendent. If the licensee 14607
does not submit the renewal fee and penalty within that time 14608
period, or if any check or other draft instrument used to pay the 14609
fee or penalty is returned to the superintendent for insufficient 14610
funds, the license shall be canceled immediately without a 14611
hearing, and the licensee shall cease activity as a loan 14612
originator. 14613

(2) The applicant has completed at least eight hours of 14614
continuing education as required under section 1322.28 of the 14615
Revised Code. 14616

(3) The applicant meets the conditions set forth in divisions 14617
(A)(2), (4), (5), (6), and (7) of this section. 14618

(4) The applicant has not been convicted of or pleaded guilty 14619
or nolo contendere to any of the following in a domestic, foreign, 14620
or military court: 14621

(a) During the seven-year period immediately preceding the 14622
date of the renewal application but excluding any time before the 14623
license was issued, a misdemeanor involving theft or any felony; 14624

(b) At any time between the date of the original license and 14625
the date of the renewal application, a felony involving an act of 14626
fraud, dishonesty, a breach of trust, theft, or money laundering. 14627

(5) The applicant's license is not subject to an order of 14628
suspension or an unpaid and past due fine imposed by the 14629
superintendent. 14630

(C)(1) Subject to division (C)(2) of this section, if a 14631
license renewal application fee, including any fee required by the 14632
nationwide mortgage licensing system and registry, is received by 14633

the superintendent after the thirty-first day of December, the 14634
license shall not be considered renewed, and the applicant shall 14635
cease activity as a mortgage loan originator. 14636

(2) Division (C)(1) of this section shall not apply if the 14637
applicant, not later than forty-five days after the renewal 14638
deadline, submits the renewal application and any other required 14639
fees and a ~~one-hundred-dollar~~ one-hundred-fifty-dollar penalty to 14640
the superintendent. 14641

(D) Mortgage originator licenses annually expire on the 14642
thirty-first day of December. 14643

(E) The pardon or expungement of a conviction shall not be 14644
considered a conviction for purposes of this section. When 14645
determining the eligibility of an applicant, the superintendent 14646
may consider the underlying crime, facts, or circumstances 14647
connected with a pardoned or expunged conviction. 14648

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 14649
Revised Code: 14650

(A) "Adult" means a person who is eighteen years of age or 14651
older. 14652

(B) "Attending physician" means the physician to whom a 14653
principal or the family of a principal has assigned primary 14654
responsibility for the treatment or care of the principal or, if 14655
the responsibility has not been assigned, the physician who has 14656
accepted that responsibility. 14657

(C) "Comfort care" means any of the following: 14658

(1) Nutrition when administered to diminish the pain or 14659
discomfort of a principal, but not to postpone death; 14660

(2) Hydration when administered to diminish the pain or 14661
discomfort of a principal, but not to postpone death; 14662

(3) Any other medical or nursing procedure, treatment, 14663
intervention, or other measure that is taken to diminish the pain 14664
or discomfort of a principal, but not to postpone death. 14665

(D) "Consulting physician" means a physician who, in 14666
conjunction with the attending physician of a principal, makes one 14667
or more determinations that are required to be made by the 14668
attending physician, or to be made by the attending physician and 14669
one other physician, by an applicable provision of sections 14670
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 14671
medical certainty and in accordance with reasonable medical 14672
standards. 14673

(E) "Declaration for mental health treatment" has the same 14674
meaning as in section 2135.01 of the Revised Code. 14675

(F) "Guardian" means a person appointed by a probate court 14676
pursuant to Chapter 2111. of the Revised Code to have the care and 14677
management of the person of an incompetent. 14678

(G) "Health care" means any care, treatment, service, or 14679
procedure to maintain, diagnose, or treat an individual's physical 14680
or mental condition or physical or mental health. 14681

(H) "Health care decision" means informed consent, refusal to 14682
give informed consent, or withdrawal of informed consent to health 14683
care. 14684

(I) "Health care facility" means any of the following: 14685

(1) A hospital; 14686

(2) A hospice care program, pediatric respite care program, 14687
or other institution that specializes in comfort care of patients 14688
in a terminal condition or in a permanently unconscious state; 14689

(3) A nursing home; 14690

(4) A home health agency; 14691

(5) An intermediate care facility for individuals with 14692

intellectual disabilities;	14693
(6) A regulated community mental health organization.	14694
(J) "Health care personnel" means physicians, nurses,	14695
physician assistants, emergency medical technicians-basic,	14696
emergency medical technicians-intermediate, emergency medical	14697
technicians-paramedic, medical technicians, dietitians, other	14698
authorized persons acting under the direction of an attending	14699
physician, and administrators of health care facilities.	14700
(K) "Home health agency" has the same meaning as in section	14701
3701.881 <u>3740.01</u> of the Revised Code.	14702
(L) "Hospice care program" and "pediatric respite care	14703
program" have the same meanings as in section 3712.01 of the	14704
Revised Code.	14705
(M) "Hospital" has the same meanings as in sections 3701.01,	14706
3727.01, and 5122.01 of the Revised Code.	14707
(N) "Hydration" means fluids that are artificially or	14708
technologically administered.	14709
(O) "Incompetent" has the same meaning as in section 2111.01	14710
of the Revised Code.	14711
(P) "Intermediate care facility for individuals with	14712
intellectual disabilities" has the same meaning as in section	14713
5124.01 of the Revised Code.	14714
(Q) "Life-sustaining treatment" means any medical procedure,	14715
treatment, intervention, or other measure that, when administered	14716
to a principal, will serve principally to prolong the process of	14717
dying.	14718
(R) "Medical claim" has the same meaning as in section	14719
2305.113 of the Revised Code.	14720
(S) "Mental health treatment" has the same meaning as in	14721
section 2135.01 of the Revised Code.	14722

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 14723
14724

(U) "Nutrition" means sustenance that is artificially or technologically administered. 14725
14726

(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following: 14727
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(1) Irreversible unawareness of one's being and environment. 14733

(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering. 14734
14735

(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities. 14736
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(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 14740
14741
14742

(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code. 14743
14744

(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing. 14745
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(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.34 of the Revised Code or a community mental health services provider as defined in section 5122.01 of the Revised Code. 14749
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(BB) "Terminal condition" means an irreversible, incurable, 14753
and untreatable condition caused by disease, illness, or injury 14754
from which, to a reasonable degree of medical certainty as 14755
determined in accordance with reasonable medical standards by a 14756
principal's attending physician and one other physician who has 14757
examined the principal, both of the following apply: 14758

(1) There can be no recovery. 14759

(2) Death is likely to occur within a relatively short time 14760
if life-sustaining treatment is not administered. 14761

(CC) "Tort action" means a civil action for damages for 14762
injury, death, or loss to person or property, other than a civil 14763
action for damages for a breach of contract or another agreement 14764
between persons. 14765

Sec. 1503.03. The chief of the division of forestry shall 14766
cooperate with all state operated universities and the department 14767
of agriculture. The chief, with the approval of the director of 14768
natural resources, may purchase or acquire by gift, donations, or 14769
contributions any interest in land suitable for forestry purposes. 14770
The chief may enter into agreements with the federal government or 14771
other agencies for the acquisition, by lease, purchase, or 14772
otherwise, of such lands as in the judgment of the chief and 14773
director are desirable for state forests, building sites, or 14774
nursery lands. The chief may expend funds, not otherwise 14775
obligated, for the management, development, and utilization of 14776
such lands. 14777

The chief, with the approval of the director of natural 14778
resources, may acquire by lease, purchase, gift, or otherwise, in 14779
the name of the state, forested or other lands in the state 14780
suitable for the growth of forest trees to the amount of the 14781
appropriation for that purpose. The chief shall prepare and submit 14782
to the director of natural resources maps and descriptions of such 14783

areas including and adjacent to the existing state forest lands, 14784
the lands within which, not at the time belonging to the state, 14785
are properly subject to purchase as state forest lands for reasons 14786
of protection, utilization, and administration. When such an area 14787
is approved by the director of natural resources, it shall be 14788
known as a state forest purchase area and the map and description, 14789
with the approval of the director of natural resources indorsed 14790
thereon, shall be filed in duplicate with the ~~auditor of state~~ 14791
director of administrative services and the attorney general. 14792

All lands purchased for forest purposes shall be deeded to 14793
the state, but the purchase price of such lands shall not be paid 14794
until the title thereof has been approved by the attorney general. 14795
The price of such lands shall not exceed the appropriation for 14796
such purposes. 14797

Sec. 1503.05. (A) The chief of the division of forestry may 14798
sell timber and other forest products from the state forest ~~and,~~ 14799
state forest nurseries, and federal lands in accordance with the 14800
terms of an agreement under section 1503.271 of the Revised Code 14801
whenever the chief considers such a sale desirable ~~and, with.~~ With 14802
the approval of the attorney general and the director of natural 14803
resources, the chief may sell portions of the state forest lands 14804
when such a sale is advantageous to the state. 14805

(B) Except as otherwise provided in this section, a timber 14806
sale agreement shall not be executed unless the person or 14807
governmental entity bidding on the sale executes and files a 14808
surety bond conditioned on completion of the timber sale in 14809
accordance with the terms of the agreement in an amount determined 14810
by the chief. All bonds shall be given in a form prescribed by the 14811
chief and shall run to the state as obligee. 14812

The chief shall not approve any bond until it is personally 14813
signed and acknowledged by both principal and surety, or as to 14814

either by the attorney in fact thereof, with a certified copy of 14815
the power of attorney attached. The chief shall not approve the 14816
bond unless there is attached a certificate of the superintendent 14817
of insurance that the company is authorized to transact a fidelity 14818
and surety business in this state. 14819

In lieu of a bond, the bidder may deposit any of the 14820
following: 14821

(1) Cash in an amount equal to the amount of the bond; 14822

(2) United States government securities having a par value 14823
equal to or greater than the amount of the bond; 14824

(3) Negotiable certificates of deposit or irrevocable letters 14825
of credit issued by any bank organized or transacting business in 14826
this state having a par value equal to or greater than the amount 14827
of the bond. 14828

The cash or securities shall be deposited on the same terms 14829
as bonds. If one or more certificates of deposit are deposited in 14830
lieu of a bond, the chief shall require the bank that issued any 14831
of the certificates to pledge securities of the aggregate market 14832
value equal to the amount of the certificate or certificates that 14833
is in excess of the amount insured by the federal deposit 14834
insurance corporation. The securities to be pledged shall be those 14835
designated as eligible under section 135.18 of the Revised Code. 14836
The securities shall be security for the repayment of the 14837
certificate or certificates of deposit. 14838

Immediately upon a deposit of cash, securities, certificates 14839
of deposit, or letters of credit, the chief shall deliver them to 14840
the treasurer of state, who shall hold them in trust for the 14841
purposes for which they have been deposited. The treasurer of 14842
state is responsible for the safekeeping of the deposits. A bidder 14843
making a deposit of cash, securities, certificates of deposit, or 14844
letters of credit may withdraw and receive from the treasurer of 14845

state, on the written order of the chief, all or any portion of 14846
the cash, securities, certificates of deposit, or letters of 14847
credit upon depositing with the treasurer of state cash, other 14848
United States government securities, or other negotiable 14849
certificates of deposit or irrevocable letters of credit issued by 14850
any bank organized or transacting business in this state, equal in 14851
par value to the par value of the cash, securities, certificates 14852
of deposit, or letters of credit withdrawn. 14853

A bidder may demand and receive from the treasurer of state 14854
all interest or other income from any such securities or 14855
certificates as it becomes due. If securities so deposited with 14856
and in the possession of the treasurer of state mature or are 14857
called for payment by their issuer, the treasurer of state, at the 14858
request of the bidder who deposited them, shall convert the 14859
proceeds of the redemption or payment of the securities into other 14860
United States government securities, negotiable certificates of 14861
deposit, or cash as the bidder designates. 14862

When the chief finds that a person or governmental agency has 14863
failed to comply with the conditions of the person's or 14864
governmental agency's bond, the chief shall make a finding of that 14865
fact and declare the bond, cash, securities, certificates, or 14866
letters of credit forfeited. The chief thereupon shall certify the 14867
total forfeiture to the attorney general, who shall proceed to 14868
collect the amount of the bond, cash, securities, certificates, or 14869
letters of credit. 14870

In lieu of total forfeiture, the surety, at its option, may 14871
cause the timber sale to be completed or pay to the treasurer of 14872
state the cost thereof. 14873

All ~~moneys~~ money collected as a result of forfeitures of 14874
bonds, cash, securities, certificates, and letters of credit under 14875
this section shall be credited to the state forest fund created in 14876
this section. 14877

(C) The chief may grant easements and leases on portions of 14878
the state forest lands and state forest nurseries under terms that 14879
are advantageous to the state, and the chief may grant mineral 14880
rights on a royalty basis on those lands and nurseries, with the 14881
approval of the attorney general and the director. 14882

(D) All ~~moneys~~ money received from the sale of state forest 14883
lands, or in payment for easements or leases on or as rents from 14884
those lands or from state forest nurseries, shall be paid into the 14885
state treasury to the credit of the state forest fund, which is 14886
hereby created. In addition, all ~~moneys~~ money received from 14887
federal grants, payments, and reimbursements, from the sale of 14888
reforestation tree stock, from the sale of forest products, other 14889
than standing timber, and from the sale of minerals taken from the 14890
state forest lands and state forest nurseries, together with 14891
royalties from mineral rights, shall be paid into the state 14892
treasury to the credit of the state forest fund. Any other 14893
revenues derived from the operation of the state forests and 14894
related facilities or equipment also shall be paid into the state 14895
treasury to the credit of the state forest fund, as shall 14896
contributions received for the issuance of Smokey Bear license 14897
plates under section 4503.574 of the Revised Code and any other 14898
~~moneys~~ money required by law to be deposited in the fund. Any 14899
revenue generated from agreements entered into under section 14900
1503.271 of the Revised Code shall be deposited in the fund. 14901

The state forest fund shall not be expended for any purpose 14902
other than the administration, operation, maintenance, 14903
development, or utilization of the state forests, forest 14904
nurseries, and forest programs ~~;~~ i for facilities or equipment 14905
incident to them ~~;~~ i for the further purchase of lands for state 14906
forest or forest nursery purposes ~~;~~ i for wildfire suppression 14907
payments ~~and~~ ; for fire prevention purposes in the case of 14908
contributions received pursuant to section 4503.574 of the Revised 14909

Code, for fire prevention purposes; or for forest management 14910
projects associated with federal lands in the case of revenues 14911
received pursuant to agreements entered into under section 14912
1503.271 of the Revised Code. 14913

(E) All ~~moneys~~ money received from the sale of standing 14914
timber taken from state forest lands and state forest nurseries 14915
shall be deposited into the state treasury to the credit of the 14916
forestry holding account redistribution fund, which is hereby 14917
created. The ~~moneys~~ money shall remain in the fund until they are 14918
redistributed in accordance with this division. 14919

The redistribution shall occur at least once each year. To 14920
begin the redistribution, the chief first shall determine the 14921
amount of all standing timber sold from state forest lands and 14922
state forest nurseries, together with the amount of the total sale 14923
proceeds, in each county, in each township within the county, and 14924
in each school district within the county. The chief next shall 14925
determine the amount of the direct costs that the division of 14926
forestry incurred in association with the sale of that standing 14927
timber. The amount of the direct costs shall be subtracted from 14928
the amount of the total sale proceeds and shall be transferred 14929
from the forestry holding account redistribution fund to the state 14930
forest fund. 14931

The remaining amount of the total sale proceeds equals the 14932
net value of the standing timber that was sold. The chief shall 14933
determine the net value of standing timber sold from state forest 14934
lands and state forest nurseries in each county, in each township 14935
within the county, and in each school district within the county 14936
and shall send to each county treasurer a copy of the 14937
determination at the time that ~~moneys are~~ money is paid to the 14938
county treasurer under this division. 14939

Thirty-five per cent of the net value of standing timber sold 14940
from state forest lands and state forest nurseries located in a 14941

county shall be transferred from the forestry holding account 14942
redistribution fund to the state forest fund. The remaining 14943
sixty-five per cent of the net value shall be transferred from the 14944
forestry holding account redistribution fund and paid to the 14945
county treasurer for the use of the general fund of that county. 14946

The county auditor shall do all of the following: 14947

(1) Retain for the use of the general fund of the county 14948
one-fourth of the amount received by the county under division 14949
~~(D)~~(E) of this section; 14950

(2) Pay into the general fund of any township located within 14951
the county and containing such lands and nurseries one-fourth of 14952
the amount received by the county from standing timber sold from 14953
lands and nurseries located in the township; 14954

(3) Request the board of education of any school district 14955
located within the county and containing such lands and nurseries 14956
to identify which fund or funds of the district should receive the 14957
~~moneys~~ money available to the school district under division 14958
~~(D)~~~~(3)~~(E)(3) of this section. After receiving notice from the 14959
board, the county auditor shall pay into the fund or funds so 14960
identified one-half of the amount received by the county from 14961
standing timber sold from lands and nurseries located in the 14962
school district, distributed proportionately as identified by the 14963
board. 14964

The division of forestry shall not supply logs, lumber, or 14965
other forest products or minerals, taken from the state forest 14966
lands or state forest nurseries, to any other agency or 14967
subdivision of the state unless payment is made therefor in the 14968
amount of the actual prevailing value thereof. This section is 14969
applicable to the ~~moneys~~ money so received. 14970

~~(E)~~(F) The chief may enter into a personal service contract 14971
for consulting services to assist the chief with the sale of 14972

timber or other forest products and related inventory. 14973
Compensation for consulting services shall be paid from the 14974
proceeds of the sale of timber or other forest products and 14975
related inventory that are the subject of the personal service 14976
contract. 14977

Sec. 1503.141. (A) As used in this section, "firefighting 14978
agency" and "private fire company" have the same meanings as in 14979
section 9.60 of the Revised Code. 14980

(B) Each fiscal year, the director of natural resources or 14981
the director's designee shall designate not more than two hundred 14982
thousand dollars in the state forest fund created in section 14983
1503.05 of the Revised Code for wildfire suppression payments. The 14984
amount designated shall consist only of money credited to the fund 14985
from the sale of standing timber taken from state forest lands as 14986
set forth in that section. 14987

(C) The director or the director's designee may use money 14988
designated for wildfire suppression payments to reimburse 14989
firefighting agencies and private fire companies for their costs 14990
incurred in the suppression of wildfires in counties within fire 14991
protection areas established under section 1503.08 of the Revised 14992
Code where there is a state forest or national forest, or portion 14993
thereof. The director or the director's designee may provide such 14994
reimbursement in additional counties. The director or the 14995
director's designee shall provide such reimbursement pursuant to 14996
agreements and contracts entered into under section 1503.14 of the 14997
Revised Code and in accordance with the following schedule: 14998

~~(A)~~(1) For wildfire suppression on private land, an initial 14999
seventy-dollar payment to the firefighting agency or private fire 15000
company; 15001

~~(B)~~(2) For wildfire suppression on land under the 15002
administration or care of the department of natural resources or 15003

on land that is part of any national forest administered by the 15004
United States department of agriculture forest service, an initial 15005
one-hundred-dollar payment to the firefighting agency or private 15006
fire company; 15007

~~(C)(3)~~ For any wildfire suppression on land specified in 15008
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 15009
hours, an additional payment of thirty-five dollars per hour. 15010

~~As used in this section, "firefighting agency" and "private~~ 15011
~~fire company" have the same meanings as in section 9.60 of the~~ 15012
~~Revised Code (D) For wildfire suppression, prescribed fire~~ 15013
~~assistance, or emergency response support to federal agencies, the~~ 15014
~~division may reimburse costs in addition to the amounts set forth~~ 15015
~~in division (C) of this section provided those costs are eligible~~ 15016
~~in accordance with an agreement under section 1503.27 of the~~ 15017
~~Revised Code.~~ 15018

Sec. 1503.271. The chief of the division of forestry may 15019
enter into agreements with the federal government under 16 U.S.C. 15020
2113a or other applicable federal statutes for the purpose of 15021
forest management projects, including timber sales. 15022

Sec. 1503.33. In order to further cooperation with other 15023
states and with federal agencies, the chief of the division of 15024
forestry, with the approval of the director of natural resources, 15025
may request assistance and aid from and may provide assistance and 15026
aid to other states, groups of states, and federal agencies in the 15027
protection of forests from forest fires and may enter into 15028
agreements for that purpose. Upon the request of another state, 15029
the chief may send to or receive from that state such personnel, 15030
equipment, and supplies as may be available and appropriate for 15031
use in accordance with the terms of the applicable agreement. 15032

Employees of ~~the division~~ this state serving outside the 15033

state under the terms of an agreement entered into under this 15034
section shall be considered as performing services within their 15035
regular employment for the purposes of compensation, pension or 15036
indemnity fund rights, workers' compensation, and other rights or 15037
benefits to which they may be entitled as incidents of their 15038
regular employment. Such employees retain personal immunity from 15039
civil liability as specified in section 9.86 of the Revised Code. 15040

Sec. 1505.09. (A) There is hereby created in the state 15041
treasury the geological mapping fund, to be administered by the 15042
chief of the division of geological survey. Except as provided in 15043
~~divisions~~ division (C) and ~~(D)~~ of this section, the fund shall be 15044
used for ~~both~~ any of the following purposes: 15045

(1) Performing the necessary field, laboratory, and 15046
administrative tasks to map and make public reports on the 15047
geology, geologic hazards, and energy and mineral resources of the 15048
state; 15049

(2) The administration of the oil and gas ~~leasing~~ land
management commission created in section ~~1509.71~~ 155.31 of the 15050
Revised Code; 15051
15052

(3) To award grants to geology departments at state colleges
and universities for undergraduate or graduate level research
conducted at locations of geological interest in the state. The
chief shall award grants at least annually, but at the chief's
discretion, may award grants more frequently; 15053
15054
15055
15056
15057

(4) To provide materials such as rock and mineral kits to
state elementary and secondary schools to assist students in the
study of geology. 15058
15059
15060

(B) The sources of money for the fund shall include all of 15061
the following: 15062

(1) The mineral severance tax as specified in section 5749.02 15063

of the Revised Code;	15064
(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code;	15065 15066
(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;	15067 15068 15069
(4) The fees collected under rules adopted under section 1505.05 of the Revised Code.	15070 15071
The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes.	15072 15073 15074 15075 15076 15077
Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund.	15078 15079 15080
(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey, and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.	15081 15082 15083 15084 15085 15086 15087
(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:	15088 15089 15090
(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;	15091 15092 15093

~~(2) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.~~ 15094
15095
15096

~~The director shall award grants at least annually, but at the director's discretion, may award grants more frequently.~~ 15097
15098

Sec. 1509.12. (A) ~~(1)~~ No ~~owner of any well~~ person shall 15099
construct or operate a well, ~~or permit defective casing in a well~~ 15100
~~to leak fluids or gases~~, that causes damage to other permeable 15101
strata, underground sources of drinking water, or the surface of 15102
the land or that threatens the public health and safety or the 15103
environment. ~~Upon~~ 15104

(2) No owner of a well shall permit defective casing in a well to leak fluids or gases. 15105
15106

(3) Upon the discovery that the casing in a well is defective 15107
or that a well was not adequately constructed, the person that 15108
constructed the well or owner of the well shall notify the chief 15109
of the division of oil and gas resources management within 15110
twenty-four hours of the discovery, and ~~the owner~~ shall 15111
immediately repair the casing, correct the construction 15112
inadequacies, or plug and abandon the well. 15113

(B) When the chief finds that a well should be plugged, the 15114
chief shall notify the person that constructed the well or 15115
owner of the well to that effect by order in writing and shall specify 15116
in the order a reasonable time within which to comply. No ~~owner~~ 15117
person shall fail or refuse to plug a well within the time 15118
specified in the order. Each day on which such a well remains 15119
unplugged thereafter constitutes a separate offense. 15120

Where the plugging method prescribed by rules adopted 15121
pursuant to section 1509.15 of the Revised Code cannot be applied 15122
or if applied would be ineffective in carrying out the protection 15123

that the law is meant to give, the chief may designate a different 15124
method of plugging. The abandonment report shall show the manner 15125
in which the well was plugged. 15126

(C) In case of oil or gas wells abandoned prior to September 15127
1, 1978, the board of county commissioners of the county in which 15128
the wells are located may submit to the electors of the county the 15129
question of establishing a special fund, by general levy, by 15130
general bond issue, or out of current funds, which shall be 15131
approved by a majority of the electors voting upon that question 15132
for the purpose of plugging the wells. The fund shall be 15133
administered by the board and the plugging of oil and gas wells 15134
shall be under the supervision of the chief, and the board shall 15135
let contracts for that purpose, provided that the fund shall not 15136
be used for the purpose of plugging oil and gas wells that were 15137
abandoned subsequent to September 1, 1978. 15138

Sec. 1509.13. (A) ~~No~~ (1) Except as otherwise provided in 15139
division (A)(2) of this section and division (E)(1) of section 15140
1509.071 of the Revised Code, no person shall plug and abandon a 15141
well without having a permit to do so issued by the chief of the 15142
division of oil and gas resources management. The permit shall be 15143
issued by the chief in accordance with this chapter and shall be 15144
valid for a period of twenty-four months from the date of issue. 15145

(2) The holder of a valid permit issued under section 1509.06 15146
of the Revised Code may receive approval from an oil and gas 15147
resources inspector to plug and abandon the well associated with 15148
that permit, without obtaining the permit required under division 15149
(A) of this section, if either of the following apply: 15150

(a) The well was drilled to total depth and the well cannot 15151
or will not be completed. 15152

(b) The well is a lost hole or dry hole. 15153

<u>(3) A permit holder plugging a well pursuant to division</u>	15154
<u>(A)(2)(a) of this section shall plug the well within thirty days</u>	15155
<u>of receipt of approval from the oil and gas resources inspector.</u>	15156
<u>(4) A permit holder plugging a well pursuant to division</u>	15157
<u>(A)(2)(b) of this section shall plug the well immediately after</u>	15158
<u>determining that the well is a lost hole or dry hole in accordance</u>	15159
<u>with rules adopted under this chapter.</u>	15160
(B) Application by the owner <u>The application</u> for a permit to	15161
plug and abandon shall be filed as many days in advance as will be	15162
necessary for an oil and gas resources inspector or, if the well	15163
is located in a coal bearing township, both a deputy mine	15164
inspector and an oil and gas resources inspector to be present at	15165
the plugging. The application shall be filed with the chief upon a	15166
form that the chief prescribes and shall contain the following	15167
information:	15168
(1) The name and address of the owner <u>applicant</u> ;	15169
(2) The signature of the owner <u>applicant</u> or the owner's	15170
<u>applicant's</u> authorized agent. When an authorized agent signs an	15171
application, it shall be accompanied by a certified copy of the	15172
appointment as that agent.	15173
(3) The location of the well identified by section or lot	15174
number, city, village, township, and county;	15175
(4) Designation of well by name and number;	15176
(5) The total depth of the well to be plugged;	15177
(6) The date and amount of last production from the well;	15178
(7) Other data <u>information</u> that the chief may require.	15179
(C) Except as otherwise provided in division (E)(2)(a) of	15180
section 1509.071 of the Revised Code, if oil or gas has been	15181
produced from the well , the application shall be accompanied by a	15182
<u>nonrefundable</u> fee of two hundred fifty dollars. If a well has been	15183

~~drilled in accordance with law and the permit is still valid, the~~ 15184
~~permit holder may receive approval to plug the well from an oil~~ 15185
~~and gas resources inspector so that the well can be plugged and~~ 15186
~~abandoned without undue delay.~~ Unless waived by an oil and gas 15187
resources inspector, the owner of a well or the owner's authorized 15188
representative shall notify an oil and gas resources inspector at 15189
least twenty-four hours prior to the commencement of the plugging 15190
of a well. No well shall be plugged and abandoned without an oil 15191
and gas resources inspector present unless permission has been 15192
granted by the chief. The owner of a well that has produced oil or 15193
gas shall give written notice at the same time to the owner of the 15194
land upon which the well is located and to all lessors that 15195
receive gas from the well pursuant to a ~~lease~~ an agreement. If the 15196
well penetrates or passes within one hundred feet of the 15197
excavations and workings of a mine, the owner of the well shall 15198
give written notice to the owner or lessee of that mine, ~~of the~~ 15199
~~well owner's~~ intention to abandon the well and of the time when 15200
the ~~well~~ owner of the well will be prepared to commence plugging 15201
it. 15202

(D) An applicant may file a request with the chief for 15203
expedited review of an application for a permit to plug and 15204
abandon a well. The chief may refuse to accept a request for 15205
expedited review if, in the chief's judgment, acceptance of the 15206
request will prevent the issuance, within twenty-one days of 15207
filing, of permits for which applications filed under section 15208
1509.06 of the Revised Code are pending. In addition to a complete 15209
application for a permit that meets the requirements of this 15210
section and the permit fee prescribed by this section, if 15211
applicable, a request shall be accompanied by a nonrefundable 15212
filing fee of five hundred dollars unless the chief has ordered 15213
the applicant to plug and abandon the well. When a request for 15214
expedited review is filed, the chief shall immediately begin to 15215
process the application and shall issue a permit within seven days 15216

of the filing of the request unless the chief, by order, denies 15217
the application. 15218

(E) This (1) Except as otherwise provided in division (E)(2) 15219
of this section, any person undertaking the plugging of a well for 15220
which a permit has been issued under this section shall obtain 15221
insurance for bodily injury coverage and property damage coverage 15222
in the amount established under section 1509.07 of the Revised 15223
Code to pay for damages or injury to property or person, including 15224
damages caused by the plugging of the well. The person shall 15225
electronically submit proof of insurance to the chief upon the 15226
chief's request. 15227

(2) Division (E)(1) of this section does not apply to a 15228
person already required to maintain an insurance policy under 15229
section 1509.07 of the Revised Code. 15230

(F) This section does not apply to a well plugged or 15231
abandoned in compliance with section 1571.05 of the Revised Code. 15232

Sec. 1509.28. (A) The chief of the division of oil and gas 15233
resources management, upon the chief's own motion or upon 15234
application by the owners of sixty-five per cent of the land area 15235
overlying the pool, shall hold a hearing to consider the need for 15236
the operation as a unit of an entire pool or part thereof. In 15237
calculating the sixty-five per cent, an owner's entire interest in 15238
each tract in the proposed unit area, including any divided, 15239
undivided, partial, fee, or other interest in the tract, shall be 15240
included to the fullest extent of that interest. An application by 15241
owners shall be accompanied by a nonrefundable fee of ten thousand 15242
dollars and by such information as the chief may request. 15243

The chief shall make an order providing for the unit 15244
operation of a pool or part thereof if the chief finds that such 15245
operation is reasonably necessary to increase substantially the 15246
ultimate recovery of oil and gas, and the value of the estimated 15247

additional recovery of oil or gas exceeds the estimated additional 15248
cost incident to conducting the operation. The order shall be upon 15249
terms and conditions that are just and reasonable and shall 15250
prescribe a plan for unit operations that shall include: 15251

(1) A description of the unitized area, termed the unit area; 15252

(2) A statement of the nature of the operations contemplated; 15253

(3) An allocation to the separately owned tracts in the unit 15254
area of all the oil and gas that is produced from the unit area 15255
and is saved, being the production that is not used in the conduct 15256
of operations on the unit area or not unavoidably lost. The 15257
allocation shall be in accord with the agreement, if any, of the 15258
interested parties. If there is no such agreement, the chief shall 15259
determine the value, from the evidence introduced at the hearing, 15260
of each separately owned tract in the unit area, exclusive of 15261
physical equipment, for development of oil and gas by unit 15262
operations, and the production allocated to each tract shall be 15263
the proportion that the value of each tract so determined bears to 15264
the value of all tracts in the unit area. 15265

(4) A provision for the credits and charges to be made in the 15266
adjustment among the owners in the unit area for their respective 15267
investments in wells, tanks, pumps, machinery, materials, and 15268
equipment contributed to the unit operations; 15269

(5) A provision providing how the expenses of unit 15270
operations, including capital investment, shall be determined and 15271
charged to the separately owned tracts and how the expenses shall 15272
be paid; 15273

(6) A provision, if necessary, for carrying or otherwise 15274
financing any person who is unable to meet the person's financial 15275
obligations in connection with the unit, allowing a reasonable 15276
interest charge for such service; 15277

(7) A provision for the supervision and conduct of the unit 15278

operations, in respect to which each person shall have a vote with 15279
a value corresponding to the percentage of the expenses of unit 15280
operations chargeable against the interest of that person; 15281

(8) The time when the unit operations shall commence, and the 15282
manner in which, and the circumstances under which, the unit 15283
operations shall terminate; 15284

(9) Such additional provisions as are found to be appropriate 15285
for carrying on the unit operations, and for the protection or 15286
adjustment of correlative rights. 15287

(B) No order of the chief providing for unit operations shall 15288
become effective unless and until the plan for unit operations 15289
prescribed by the chief has been approved in writing by those 15290
owners who, under the chief's order, will be required to pay at 15291
least sixty-five per cent of the costs of the unit operation, and 15292
also by the royalty or, with respect to unleased acreage, fee 15293
owners of sixty-five per cent of the acreage to be included in the 15294
unit. If the plan for unit operations has not been so approved by 15295
owners and royalty owners at the time the order providing for unit 15296
operations is made, the chief shall upon application and notice 15297
hold such supplemental hearings as may be required to determine if 15298
and when the plan for unit operations has been so approved. If the 15299
owners and royalty owners, or either, owning the required 15300
percentage of interest in the unit area do not approve the plan 15301
for unit operations within a period of six months from the date on 15302
which the order providing for unit operations is made, the order 15303
shall cease to be of force and shall be revoked by the chief. 15304

An order providing for unit operations may be amended by an 15305
order made by the chief, in the same manner and subject to the 15306
same conditions as an original order providing for unit 15307
operations, provided that: 15308

(1) If such an amendment affects only the rights and 15309

interests of the owners, the approval of the amendment by the 15310
royalty owners shall not be required. 15311

(2) No such order of amendment shall change the percentage 15312
for allocation of oil and gas as established for any separately 15313
owned tract by the original order, except with the consent of all 15314
persons owning interest in the tract. 15315

The chief, by an order, may provide for the unit operation of 15316
a pool or a part thereof that embraces a unit area established by 15317
a previous order of the chief. Such an order, in providing for the 15318
allocation of unit production, shall first treat the unit area 15319
previously established as a single tract, and the portion of the 15320
unit production so allocated thereto shall then be allocated among 15321
the separately owned tracts included in the previously established 15322
unit area in the same proportions as those specified in the 15323
previous order. 15324

Oil and gas allocated to a separately owned tract shall be 15325
deemed, for all purposes, to have been actually produced from the 15326
tract, and all operations, including, but not limited to, the 15327
commencement, drilling, operation of, or production from a well 15328
upon any portion of the unit area shall be deemed for all purposes 15329
the conduct of such operations and production from any lease or 15330
contract for lands any portion of which is included in the unit 15331
area. The operations conducted pursuant to the order of the chief 15332
shall constitute a fulfillment of all the express or implied 15333
obligations of each lease or contract covering lands in the unit 15334
area to the extent that compliance with such obligations cannot be 15335
had because of the order of the chief. 15336

Oil and gas allocated to any tract, and the proceeds from the 15337
sale thereof, shall be the property and income of the several 15338
persons to whom, or to whose credit, the same are allocated or 15339
payable under the order providing for unit operations. 15340

No order of the chief or other contract relating to the sale 15341
or purchase of production from a separately owned tract shall be 15342
terminated by the order providing for unit operations, but shall 15343
remain in force and apply to oil and gas allocated to the tract 15344
until terminated in accordance with the provisions thereof. 15345

Notwithstanding divisions (A) to ~~(H)~~(G) of section ~~1509.73~~ 15346
155.33 of the Revised Code and rules adopted under it, the chief 15347
shall issue an order for the unit operation of a pool or a part of 15348
a pool that encompasses a unit area for which all or a portion of 15349
the mineral rights are owned by the department of transportation. 15350

Except to the extent that the parties affected so agree, no 15351
order providing for unit operations shall be construed to result 15352
in a transfer of all or any part of the title of any person to the 15353
oil and gas rights in any tract in the unit area. All property, 15354
whether real or personal, that may be acquired for the account of 15355
the owners within the unit area shall be the property of such 15356
owners in the proportion that the expenses of unit operations are 15357
charged. 15358

Sec. 1513.08. (A) After a coal mining and reclamation permit 15359
application has been approved, the applicant shall file with the 15360
chief of the division of mineral resources management, on a form 15361
prescribed and furnished by the chief, the performance security 15362
required under this section that shall be payable to the state and 15363
conditioned on the faithful performance of all the requirements of 15364
this chapter and rules adopted under it and the terms and 15365
conditions of the permit. 15366

(B) Using the information contained in the permit 15367
application; the requirements contained in the approved permit and 15368
reclamation plan; and, after considering the topography, geology, 15369
hydrology, and revegetation potential of the area of the approved 15370
permit, the probable difficulty of reclamation; the chief shall 15371

determine the estimated cost of reclamation under the initial term 15372
of the permit if the reclamation has to be performed by the 15373
division of mineral resources management in the event of 15374
forfeiture of the performance security by the applicant. The chief 15375
shall send written notice of the amount of the estimated cost of 15376
reclamation by certified mail to the applicant. The applicant 15377
shall send written notice to the chief indicating the method by 15378
which the applicant will provide the performance security pursuant 15379
to division (C) of this section. 15380

(C) The applicant shall provide the performance security in 15381
an amount using one of the following: 15382

(1) If the applicant elects to provide performance security 15383
without reliance on the reclamation forfeiture fund created in 15384
section 1513.18 of the Revised Code, the amount of the estimated 15385
cost of reclamation as determined by the chief under division (B) 15386
of this section for the increments of land on which the operator 15387
will conduct a coal mining and reclamation operation under the 15388
initial term of the permit as indicated in the application; 15389

(2) If the applicant elects to provide performance security 15390
together with reliance on the reclamation forfeiture fund through 15391
payment of the additional tax on the severance of coal that is 15392
levied under division (A)(8) of section 5749.02 of the Revised 15393
Code, an amount of twenty-five hundred dollars per acre of land on 15394
which the operator will conduct coal mining and reclamation under 15395
the initial term of the permit as indicated in the application. 15396
~~However, in~~ In order for an applicant to be eligible to provide 15397
performance security in accordance with division (C)(2) of this 15398
section, the applicant, an owner and controller of the applicant, 15399
or an affiliate of the applicant shall have held a permit issued 15400
under this chapter for any coal mining and reclamation operation 15401
for a period of not less than five years. ~~It~~ 15402

If a permit is transferred, assigned, or sold, the transferee 15403

is not eligible to provide performance security under division (C)(2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

If an applicant or permittee ~~has~~ is not held a permit issued under this chapter for any coal mining and reclamation operation

~~for a period of five years or more eligible to provide performance~~ 15436
~~security in accordance with division (C)(2) of this section,~~ the 15437
applicant or permittee shall provide performance security in 15438
accordance with division (C)(1) of this section in the full amount 15439
of the estimated cost of reclamation as determined by the chief 15440
for a permitted coal preparation plant or coal refuse disposal 15441
area that is not located within a permitted area of a mine. If an 15442
applicant for a permit for a coal preparation plant or coal refuse 15443
disposal area or a permittee of a permitted coal preparation plant 15444
or coal refuse disposal area that is not located within a 15445
permitted area of a mine has held a permit issued under this 15446
chapter for any coal mining and reclamation operation for a period 15447
of five years or more, the applicant or permittee may provide 15448
performance security for the coal preparation plant or coal refuse 15449
disposal area either in accordance with division (C)(1) of this 15450
section in the full amount of the estimated cost of reclamation as 15451
determined by the chief or in accordance with division (C)(2) of 15452
this section in an amount of twenty-five hundred dollars per acre 15453
of land with reliance on the reclamation forfeiture fund. If a 15454
permittee has previously provided performance security under 15455
division (C)(1) of this section for a coal preparation plant or 15456
coal refuse disposal area that is not located within a permitted 15457
area of a mine and elects to provide performance security in 15458
accordance with division (C)(2) of this section, the permittee 15459
shall submit written notice to the chief indicating that the 15460
permittee elects to provide performance security in accordance 15461
with division (C)(2) of this section. Upon receipt of such a 15462
written notice, the chief shall release to the permittee the 15463
amount of the performance security previously provided under 15464
division (C)(1) of this section that exceeds the amount of 15465
performance security that is required to be provided under 15466
division (C)(2) of this section. 15467

(D) A permittee's liability under the performance security 15468

shall be limited to the obligations established under the permit, 15469
which include completion of the reclamation plan in order to make 15470
the land capable of supporting the postmining land use that was 15471
approved in the permit. The period of liability under the 15472
performance security shall be for the duration of the coal mining 15473
and reclamation operation and for a period coincident with the 15474
operator's responsibility for revegetation requirements under 15475
section 1513.16 of the Revised Code. 15476

(E) The amount of the estimated cost of reclamation 15477
determined under division (B) of this section and the amount of a 15478
permittee's performance security provided in accordance with 15479
division (C)(1) of this section shall be adjusted by the chief as 15480
the land that is affected by mining increases or decreases or if 15481
the cost of reclamation increases or decreases. If the performance 15482
security was provided in accordance with division (C)(2) of this 15483
section and the chief has issued a cessation order under division 15484
(D)(2) of section 1513.02 of the Revised Code for failure to abate 15485
a violation of the contemporaneous reclamation requirement under 15486
division (A)(15) of section 1513.16 of the Revised Code, the chief 15487
may require the permittee to increase the amount of performance 15488
security from twenty-five hundred dollars per acre of land to five 15489
thousand dollars per acre of land. 15490

The chief shall notify the permittee, each surety, and any 15491
person who has a property interest in the performance security and 15492
who has requested to be notified of any proposed adjustment to the 15493
performance security. The permittee may request an informal 15494
conference with the chief concerning the proposed adjustment, and 15495
the chief shall provide such an informal conference. 15496

If the chief increases the amount of performance security 15497
under this division, the permittee shall provide additional 15498
performance security in an amount determined by the chief. If the 15499
chief decreases the amount of performance security under this 15500

division, the chief shall determine the amount of the reduction of 15501
the performance security and send written notice of the amount of 15502
reduction to the permittee. The permittee may reduce the amount of 15503
the performance security in the amount determined by the chief. 15504

(F) A permittee may request a reduction in the amount of the 15505
performance security by submitting to the chief documentation 15506
proving that the amount of the performance security provided by 15507
the permittee exceeds the estimated cost of reclamation if the 15508
reclamation would have to be performed by the division in the 15509
event of forfeiture of the performance security. The chief shall 15510
examine the documentation and determine whether the permittee's 15511
performance security exceeds the estimated cost of reclamation. If 15512
the chief determines that the performance security exceeds that 15513
estimated cost, the chief shall determine the amount of the 15514
reduction of the performance security and send written notice of 15515
the amount to the permittee. The permittee may reduce the amount 15516
of the performance security in the amount determined by the chief. 15517
Adjustments in the amount of performance security under this 15518
division shall not be considered release of performance security 15519
and are not subject to section 1513.16 of the Revised Code. 15520

(G) If the performance security is a bond, it shall be 15521
executed by the operator and a corporate surety licensed to do 15522
business in this state. If the performance security is a cash 15523
deposit or negotiable certificates of deposit of a bank or savings 15524
and loan association, the bank or savings and loan association 15525
shall be licensed and operating in this state. The cash deposit or 15526
market value of the securities shall be equal to or greater than 15527
the amount of the performance security required under this 15528
section. The chief shall review any documents pertaining to the 15529
performance security and approve or disapprove the documents. The 15530
chief shall notify the applicant of the chief's determination. 15531

(H) If the performance security is a bond, the chief may 15532

accept the bond of the applicant itself without separate surety 15533
when the applicant demonstrates to the satisfaction of the chief 15534
the existence of a suitable agent to receive service of process 15535
and a history of financial solvency and continuous operation 15536
sufficient for authorization to self-insure or bond the amount. 15537

(I) Performance security provided under this section may be 15538
held in trust, provided that the state is the primary beneficiary 15539
of the trust and the custodian of the performance security held in 15540
trust is a bank, trust company, or other financial institution 15541
that is licensed and operating in this state. The chief shall 15542
review the trust document and approve or disapprove the document. 15543
The chief shall notify the applicant of the chief's determination. 15544

(J) If a surety, bank, savings and loan association, trust 15545
company, or other financial institution that holds the performance 15546
security required under this section becomes insolvent, the 15547
permittee shall notify the chief of the insolvency, and the chief 15548
shall order the permittee to submit a plan for replacement 15549
performance security within thirty days after receipt of notice 15550
from the chief. If the permittee provided performance security in 15551
accordance with division (C)(1) of this section, the permittee 15552
shall provide the replacement performance security within ninety 15553
days after receipt of notice from the chief. If the permittee 15554
provided performance security in accordance with division (C)(2) 15555
of this section, the permittee shall provide the replacement 15556
performance security within one year after receipt of notice from 15557
the chief, and, for a period of one year after the permittee's 15558
receipt of notice from the chief or until the permittee provides 15559
the replacement performance security, whichever occurs first, 15560
money in the reclamation forfeiture fund shall be the permittee's 15561
replacement performance security in an amount not to exceed the 15562
estimated cost of reclamation as determined by the chief. 15563

(K) If a permittee provided performance security in 15564

accordance with division (C)(1) of this section, the permittee's 15565
responsibility for repairing material damage and replacement of 15566
water supply resulting from subsidence shall be satisfied by 15567
either of the following: 15568

(1) The purchase prior to mining of a noncancelable 15569
premium-prepaid liability insurance policy in lieu of the 15570
permittee's performance security for subsidence damage. The 15571
insurance policy shall contain terms and conditions that 15572
specifically provide coverage for repairing material damage and 15573
replacement of water supply resulting from subsidence. 15574

(2) The provision of additional performance security in the 15575
amount of the estimated cost to the division of mineral resources 15576
management to repair material damage and replace water supplies 15577
resulting from subsidence until the repair or replacement is 15578
completed. However, if such repair or replacement is completed, or 15579
compensation for structures that have been damaged by subsidence 15580
is provided, by the permittee within ninety days of the occurrence 15581
of the subsidence, additional performance security is not 15582
required. In addition, the chief may extend the ninety-day period 15583
for a period not to exceed one year if the chief determines that 15584
the permittee has demonstrated in writing that subsidence is not 15585
complete and that probable subsidence-related damage likely will 15586
occur and, as a result, the completion of repairs of 15587
subsidence-related material damage to lands or protected 15588
structures or the replacement of water supply within ninety days 15589
of the occurrence of the subsidence would be unreasonable. 15590

(L) If the performance security provided in accordance with 15591
this section exceeds the estimated cost of reclamation, the chief 15592
may authorize the amount of the performance security that exceeds 15593
the estimated cost of reclamation together with any interest or 15594
other earnings on the performance security to be paid to the 15595
permittee. 15596

(M) A permittee that held a valid coal mining and reclamation permit immediately prior to April 6, 2007, shall provide, not later than a date established by the chief, performance security in accordance with division (C)(1) or (2) of this section, rather than in accordance with the law as it existed prior to that date, by filing it with the chief on a form that the chief prescribes and furnishes. Accordingly, for purposes of this section, "applicant" is deemed to include such a permittee.

(N) As used in this section:

(1) "Affiliate of the applicant" means an entity that has a parent entity in common with the applicant.

(2) "Owner and controller of the applicant" means a person that has any relationship with the applicant that gives the person authority to determine directly or indirectly the manner in which the applicant conducts coal mining operations.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for:

(1) A dam that is or will be less than ten feet in height and that has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief; 15627
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(3) A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief; 15630
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(4) A dam or levee that belongs to a class exempted by the chief; 15632
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(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief; 15634
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(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 15639
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(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with any filing fee specified by rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. 15641
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All fees collected pursuant to this section, ~~and all fines collected pursuant to section 1521.99 of the Revised Code,~~ shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code. 15652
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(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction of the proposed dam or levee, in accordance with the plans and specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.

In the event the chief denies a permit for the construction of the dam or levee, or issues a permit conditioned upon a making of changes in the plans or specifications for the construction, the chief shall state the reasons therefor and so notify, in writing, the person or governmental agency making the application for a permit. If the permit is denied, the chief shall return the bond or other security to the person or governmental agency making application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports

of the engineer's inspections as the chief may require. When the 15690
chief finds that construction has been fully completed in 15691
accordance with the terms of the permit and the plans and 15692
specifications approved by the chief, the chief shall approve the 15693
construction. When one year has elapsed after approval of the 15694
completed construction, and the chief finds that within this 15695
period no fact has become apparent to indicate that the 15696
construction was not performed in accordance with the terms of the 15697
permit and the plans and specifications approved by the chief, or 15698
that the construction as performed would endanger life, health, or 15699
property, the chief shall release the bond or other security. No 15700
bond or other security shall be released until one year after 15701
final approval by the chief, unless the dam or levee has been 15702
modified so that it will not retain water and has been approved as 15703
nonhazardous after determination by the chief that the dam or 15704
levee as modified will not endanger life, health, or property. 15705

(F) When inspections required by this section are not being 15706
performed, the chief shall notify the person or governmental 15707
agency to which the permit has been issued that inspections are 15708
not being performed by the registered professional engineer and 15709
that the chief will inspect the remainder of the construction. 15710
Thereafter, the chief shall inspect the construction and the cost 15711
of inspection shall be charged against the owner. Failure of the 15712
registered professional engineer to submit required inspection 15713
reports shall be deemed notice that the engineer's inspections are 15714
not being performed. 15715

(G) The chief may order construction to cease on any dam or 15716
levee that is being built in violation of this section, and may 15717
prohibit the retention of water behind any dam or levee that has 15718
been built in violation of this section. 15719

(H) The chief may adopt rules in accordance with Chapter 119. 15720
of the Revised Code, for the design and construction of dams and 15721

levees for which a construction permit is required by this section 15722
or for which periodic inspection is required by section 1521.062 15723
of the Revised Code, for deposit and forfeiture of bonds and other 15724
securities required by section 1521.061 of the Revised Code, for 15725
the periodic inspection, operation, repair, improvement, 15726
alteration, or removal of all dams and levees, as specified in 15727
section 1521.062 of the Revised Code, and for establishing classes 15728
of dams or levees that are exempt from the requirements of this 15729
section and section 1521.062 of the Revised Code as being of a 15730
size, purpose, or situation that does not present a substantial 15731
hazard to life, health, or property. The chief may, by rule, limit 15732
the period during which a construction permit issued under this 15733
section is valid. The rules may allow for the extension of the 15734
period during which a permit is valid upon written request, 15735
provided that the written request includes a revised construction 15736
cost estimate, and may require the payment of an additional filing 15737
fee for the requested extension. If a construction permit expires 15738
without an extension before construction is completed, the person 15739
or agency shall apply for a new permit, and shall not continue 15740
construction until the new permit is issued. 15741

(I) The chief shall adopt rules in accordance with Chapter 15742
119. of the Revised Code establishing a filing fee schedule for 15743
purposes of division (B) of this section. 15744

Sec. 1521.061. (A)(1) Except as otherwise provided in this 15745
section, the chief of the division of water resources shall not 15746
issue a construction permit ~~shall not be issued~~ under section 15747
1521.06 of the Revised Code unless the person or governmental 15748
agency applying for the permit executes and files a surety bond 15749
conditioned on completion of the dam or levee in accordance with 15750
the terms of the permit and the plans and specifications approved 15751
by the chief ~~of the division of water resources, in an amount~~ 15752
~~equal to fifty per cent of the estimated cost of the project.~~ 15753

Except as provided in division (A)(2) of this section, the surety bond shall equal: 15754
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(a) \$50,000 for the first \$500,000 of the estimated cost of the project; plus 15756
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(b) Twenty-five per cent of the estimated cost for the next \$4,500,000 of the estimated cost of the project; plus 15758
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(c) Ten per cent of the estimated cost that exceeds \$5,000,000. 15760
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(2) The chief may reduce the amount of the required surety bond to the amount equal to the cost estimate of construction activities necessary to render the dam nonhazardous if the cost estimate is provided by the applicant and approved by the chief. 15762
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(B) If a permittee requests an extension of the time period during which a construction permit is valid in accordance with rules adopted under section 1521.06 of the Revised Code, the chief shall determine whether the revised construction cost estimate provided with the request exceeds the original construction cost estimate that was filed with the chief by more than twenty-five per cent. If the revised construction cost estimate exceeds the original construction cost estimate by more than twenty-five per cent, the chief may require an additional surety bond to be filed so that the total amount of the surety bonds equals at least fifty per cent of in an amount determined in accordance with division (A) of this section based on the revised construction cost estimate. 15766
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(C) The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to 15779
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transact a fidelity and surety business in this state. 15785

All bonds shall be given in a form prescribed by the chief 15786
and shall run to the state as obligee. 15787

(D)(1) The applicant may deposit, in lieu of a bond, cash in 15788
an amount equal to the amount of the bond or United States 15789
government securities or negotiable certificates of deposit issued 15790
by any bank organized or transacting business in this state having 15791
a par value equal to or greater than the amount of the bond. Such 15792
cash or securities shall be deposited upon the same terms as 15793
bonds. If one or more certificates of deposit are deposited in 15794
lieu of a bond, the chief shall require the bank that issued any 15795
such certificate to pledge securities of the aggregate market 15796
value equal to the amount of the certificate that is in excess of 15797
the amount insured by the federal deposit insurance corporation. 15798
The securities to be pledged shall be those designated as eligible 15799
under section 135.18 of the Revised Code. The securities shall be 15800
security for the repayment of the certificate of deposit. 15801

(2) Immediately upon a deposit of cash, securities, or 15802
certificates of deposit, the chief shall deliver them to the 15803
treasurer of state, who shall hold them in trust for the purposes 15804
for which they have been deposited. The treasurer of state is 15805
responsible for the safekeeping of such deposits. An applicant 15806
making a deposit of cash, securities, or certificates of deposit 15807
may withdraw and receive from the treasurer of state, on the 15808
written order of the chief, all or any portion of the cash, 15809
securities, or certificates of deposit, upon depositing with the 15810
treasurer of state cash, other United States government 15811
securities, or negotiable certificates of deposit issued by any 15812
bank organized or transacting business in this state equal in par 15813
value to the par value of the cash, securities, or certificates of 15814
deposit withdrawn. An applicant may demand and receive from the 15815
treasurer of state all interest or other income from any such 15816

securities or certificates as it becomes due. If securities so 15817
deposited with and in the possession of the treasurer of state 15818
mature or are called for payment by the issuer thereof, the 15819
treasurer of state, at the request of the applicant who deposited 15820
them, shall convert the proceeds of the redemption or payment of 15821
the securities into such other United States government 15822
securities, negotiable certificates of deposit issued by any bank 15823
organized or transacting business in this state, or cash as the 15824
applicant designates. 15825

(E)(1) When the chief finds that a person or governmental 15826
agency has failed to comply with the conditions of the person's or 15827
agency's bond, the chief shall make a finding of that fact and 15828
declare the bond, cash, securities, or certificates of deposit 15829
forfeited in the amount set by rule of the chief. The chief shall 15830
thereupon certify the total forfeiture to the attorney general, 15831
who shall proceed to collect that amount. 15832

(2) In lieu of total forfeiture, the surety, at its option, 15833
may cause the dam or levee to be completed as required by section 15834
1521.06 of the Revised Code and rules of the chief, or otherwise 15835
rendered nonhazardous, or pay to the treasurer of state the cost 15836
thereof. 15837

(F)(1) All moneys collected on account of forfeitures of 15838
bonds, cash, securities, and certificates of deposit under this 15839
section shall be credited to the dam safety fund created in 15840
section 1521.06 of the Revised Code. The chief shall make 15841
expenditures from the fund to complete dams and levees for which 15842
bonds have been forfeited or to otherwise render them 15843
nonhazardous. 15844

(2) Expenditures from the fund for those purposes shall be 15845
made pursuant to contracts entered into by the chief with persons 15846
who agree to furnish all of the materials, equipment, work, and 15847
labor as specified and provided in the contract. 15848

(G) A surety bond shall not be required for a permit for a dam or levee that is to be designed and constructed by an agency of the United States government, if the agency files with the chief written assurance of the agency's financial responsibility for the structure ~~during the one-year period~~ for one year following the chief's approval of the completed construction provided for under division (E) of section 1521.06 of the Revised Code.

Sec. 1521.40. (A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(C) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. The chief also may assess a civil penalty of not more than five thousand dollars per day for each day a violation occurs of any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(D) Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs and civil penalties in the court of common pleas of

Franklin county. ~~Moneys~~ Money recovered under this division for 15880
violations of sections 1521.06 to 1521.063 of the Revised Code, 15881
any rule or order adopted or issued under those sections, or any 15882
term or condition of a permit issued under those sections shall be 15883
deposited in the state treasury to the credit of the dam safety 15884
fund created in section 1521.06 of the Revised Code. Money 15885
recovered under this division for violations of sections 1521.16 15886
and 1521.22 to 1521.35 of the Revised Code, any rule or order 15887
adopted or issued under those sections, or any term or condition 15888
of a permit issued under those sections shall be deposited in the 15889
state treasury to the credit of the water management fund created 15890
in section 1521.22 of the Revised Code. 15891

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 15892
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 15893
is guilty of a misdemeanor of the fourth degree. All fines 15894
collected pursuant to this division shall be deposited in the 15895
state treasury to the credit of the water management fund created 15896
in section 1521.22 of the Revised Code. 15897

(B) Whoever violates section 1521.06 or 1521.062 of the 15898
Revised Code shall be fined not less than one hundred dollars nor 15899
more than one thousand dollars for each offense. Each day of 15900
violation constitutes a separate offense. All fines collected 15901
pursuant to this division shall be deposited in the state treasury 15902
to the credit of the dam safety fund created in section 1521.06 of 15903
the Revised Code. 15904

(C) Whoever violates section 1521.22 of the Revised Code or 15905
the terms or conditions of a permit issued under that section 15906
shall be fined not more than ten thousand dollars for each day of 15907
violation. All fines collected pursuant to this division shall be 15908
deposited in the state treasury to the credit of the water 15909
management fund created in section 1521.22 of the Revised Code. 15910

(D) Whoever violates section 1521.23 of the Revised Code or 15911
the terms or conditions of a permit issued under section 1521.29 15912
of the Revised Code is guilty of a misdemeanor of the fourth 15913
degree. All fines collected pursuant to this division shall be 15914
deposited in the state treasury to the credit of the water 15915
management fund created in section 1521.22 of the Revised Code. 15916

Sec. 1531.01. As used in this chapter and Chapter 1533. of 15917
the Revised Code: 15918

(A) "Person" means a person as defined in section 1.59 of the 15919
Revised Code or a company; an employee, agent, or officer of such 15920
a person or company; a combination of individuals; the state; a 15921
political subdivision of the state; an interstate body created by 15922
a compact; or the federal government or a department, agency, or 15923
instrumentality of it. 15924

(B) "Resident" means any individual who has resided in this 15925
state for not less than six months preceding the date of making 15926
application for a license or permit. 15927

(C) "Nonresident" means any individual who does not qualify 15928
as a resident. 15929

(D) "Division rule" or "rule" means any rule adopted by the 15930
chief of the division of wildlife under section 1531.10 of the 15931
Revised Code unless the context indicates otherwise. 15932

(E) "Closed season" means that period of time during which 15933
the taking of wild animals protected by this chapter and Chapter 15934
1533. of the Revised Code is prohibited. 15935

(F) "Open season" means that period of time during which the 15936
taking of wild animals protected by this chapter and Chapter 1533. 15937
of the Revised Code is permitted. 15938

(G) "Take or taking" includes pursuing, shooting, hunting, 15939
killing, trapping, angling, fishing with a trotline, or netting 15940

any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 15941
wild bird, or wild quadruped, and any lesser act, such as 15942
wounding, or placing, setting, drawing, or using any other device 15943
for killing or capturing any wild animal, whether it results in 15944
killing or capturing the animal or not. "Take or taking" includes 15945
every attempt to kill or capture and every act of assistance to 15946
any other person in killing or capturing or attempting to kill or 15947
capture a wild animal. 15948

(H) "Possession" means both actual and constructive 15949
possession and any control of things referred to. 15950

(I) "Bag limit" means the number, measurement, or weight of 15951
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 15952
birds, and wild quadrupeds permitted to be taken. 15953

(J) "Transport and transportation" means carrying or moving 15954
or causing to be carried or moved. 15955

(K) "Sell and sale" means barter, exchange, or offer or 15956
expose for sale. 15957

(L) "Whole to include part" means that every provision 15958
relating to any wild animal protected by this chapter and Chapter 15959
1533. of the Revised Code applies to any part of the wild animal 15960
with the same effect as it applies to the whole. 15961

(M) "Angling" means fishing with not more than two hand 15962
lines, not more than two units of rod and line, or a combination 15963
of not more than one hand line and one rod and line, either in 15964
hand or under control at any time while fishing. The hand line or 15965
rod and line shall have attached to it not more than three baited 15966
hooks, not more than three artificial fly rod lures, or one 15967
artificial bait casting lure equipped with not more than three 15968
sets of three hooks each. 15969

(N) "Trotline" means a device for catching fish that consists 15970
of a line having suspended from it, at frequent intervals, 15971

vertical lines with hooks attached.	15972
(O) "Fish" means a cold-blooded vertebrate having fins.	15973
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	15974 15975
(Q) "Wild birds" includes game birds and nongame birds.	15976
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	15977 15978
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	15979 15980 15981 15982 15983 15984
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	15985 15986
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	15987 15988
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	15989 15990 15991 15992
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	15993 15994 15995
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	15996 15997 15998
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device	15999 16000 16001

commonly used to kill or wound wild birds or wild quadrupeds 16002
whether or not the acts result in killing or wounding. "Hunting" 16003
includes every attempt to kill or wound and every act of 16004
assistance to any other person in killing or wounding or 16005
attempting to kill or wound wild birds or wild quadrupeds. 16006

(Z) "Trapping" means securing or attempting to secure 16007
possession of a wild bird or wild quadruped by means of setting, 16008
placing, drawing, or using any device that is designed to close 16009
upon, hold fast, confine, or otherwise capture a wild bird or wild 16010
quadruped whether or not the means results in capture. "Trapping" 16011
includes every act of assistance to any other person in capturing 16012
wild birds or wild quadrupeds by means of the device whether or 16013
not the means results in capture. 16014

(AA) "Muskrat spear" means any device used in spearing 16015
muskrats. 16016

(BB) "Channels and passages" means those narrow bodies of 16017
water lying between islands or between an island and the mainland 16018
in Lake Erie. 16019

(CC) "Island" means a rock or land elevation above the waters 16020
of Lake Erie having an area of five or more acres above water. 16021

(DD) "Reef" means an elevation of rock, either broken or in 16022
place, or gravel shown by the latest United States chart to be 16023
above the common level of the surrounding bottom of the lake, 16024
other than the rock bottom, or in place forming the base or 16025
foundation rock of an island or mainland and sloping from the 16026
shore of it. "Reef" also means all elevations shown by that chart 16027
to be above the common level of the sloping base or foundation 16028
rock of an island or mainland, whether running from the shore of 16029
an island or parallel with the contour of the shore of an island 16030
or in any other way and whether formed by rock, broken or in 16031
place, or from gravel. 16032

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin (Amia calva), burbot (Lota lota), carp (Cyprinus carpio), smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus cyprinellus), black bullhead (Ictalurus melas), yellow bullhead (Ictalurus natalis), brown bullhead (Ictalurus nebulosus), channel catfish (Ictalurus punctatus), flathead catfish (Pylodictis olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.), freshwater drum or sheepshead (Aplodinotus grunniens), gar (Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish (Carassius auratus), lake trout (Salvelinus namaycush), mooneye (Hiodon tergisus), quillback (Carpionodes cyprinus), smelt (Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo and quillback (Carpionodes sp., Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), white perch (Roccus americanus), and yellow perch (Perca flavescens). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or

using any device commonly used to take fish whether resulting in a taking or not. 16065
16066

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh. 16067
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(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish. 16069
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(LL) "Round" when used in describing fish means with head and tail intact. 16071
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(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow. 16073
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(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing. 16077
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(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing. 16081
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(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets. 16087
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(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets. 16091
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(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state. 16095
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(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it. 16097
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(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time. 16101
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(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code. 16106
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(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer. 16111
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(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita map turtle (*Graptemys pseudogeographica ouachitensis*), midland painted turtle (*Chrysemys picta marginata*), red-eared slider (*Trachemys scripta elegans*), eastern spiny softshell turtle (*Apalone spinifera spinifera*), midland smooth softshell turtle (*Apalone mutica mutica*), northern fence lizard (*Sceloporus undulatus hyacinthinus*), ground skink (*Scincella lateralis*), five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), 16113
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European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	16126
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	16127
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	16128
northern redbelly snake (<i>Storeria occipitomaculata</i>	16129
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	16130
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	16131
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	16132
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	16133
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	16134
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	16135
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	16136
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	16137
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	16138
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	16139
rattlesnake (<i>Crotalus horridus horridus</i>).	16140
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(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	16151
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	16152
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	16153
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	16154
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	16155
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tigrinum), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	16159
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	16160
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	16161
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	16162
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	16163
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	16164
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	16165
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	16166
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	16167
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	16168
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	16169
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	16170
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	16171
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	16172
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	16173
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	16174
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	16175
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	16176
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	16177
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	16178
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	16179
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	16180
frog (<i>Rana sylvatica</i>).	16181
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	16182
<i>virginianus</i>).	16183
(ZZ) "Domestic deer" means nonnative deer that have been	16184
legally acquired or their offspring and that are held in private	16185
ownership for primarily agricultural purposes.	16186
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	16187
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	16188
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	16189
woodcock and snipe (<i>Scolopacidae</i>).	16190

(BBB) "Accompany" means to go along with another person while 16191
staying within a distance from the person that enables 16192
uninterrupted, unaided visual and auditory communication. 16193

(CCC) "All-purpose vehicle" means any vehicle that is 16194
designed primarily for cross-country travel on land, water, or 16195
land and water and that is steered by wheels, caterpillar treads, 16196
or a combination of wheels and caterpillar treads and includes 16197
vehicles that operate on a cushion of air, vehicles commonly known 16198
as all-terrain vehicles, all-season vehicles, mini-bikes, and 16199
trail bikes. 16200

(DDD) "Wholly enclosed preserve" means an area of land that 16201
is surrounded by a fence that is at least six feet in height, 16202
unless otherwise specified in division rule, and is constructed of 16203
a woven wire mesh, or another enclosure that the division of 16204
wildlife may approve, where game birds, game quadrupeds, reptiles, 16205
amphibians, or fur-bearing animals are raised and may be sold 16206
under the authority of a commercial propagating license or captive 16207
white-tailed deer propagation license obtained under section 16208
1533.71 of the Revised Code. 16209

(EEE) "Commercial bird shooting preserve" means an area of 16210
land where game birds are released and hunted by shooting as 16211
authorized by a commercial bird shooting preserve license obtained 16212
under section 1533.72 of the Revised Code. 16213

(FFF) "Wild animal hunting preserve" means an area of land 16214
where game, captive white-tailed deer, and nonnative wildlife, 16215
other than game birds, are released and hunted as authorized by a 16216
wild animal hunting preserve license obtained under section 16217
1533.721 of the Revised Code. 16218

(GGG) "Captive white-tailed deer" means legally acquired deer 16219
that are held in private ownership at a facility licensed under 16220
section 943.03 or 943.031 of the Revised Code and under section 16221

1533.71 or 1533.721 of the Revised Code. 16222

~~(HHH) "Lake Erie sport fishing district" means the Ohio 16223
waters of Lake Erie and its embayments, including Maumee bay, 16224
Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the 16225
entire length of all tributaries or to the first dam or designated 16226
landmark as follows: 16227~~

~~Vermilion river — state route 2 bridge 16228~~

~~Black river — state route 611 bridge 16229~~

~~Rocky river — Detroit road bridge 16230~~

~~Cuyahoga river — Harvard road bridge 16231~~

~~Euelid creek — state route 283 bridge 16232~~

~~Chagrin river — state route 283 bridge 16233~~

~~Arcola creek — United States route 20 bridge 16234~~

~~Wheeler creek — United States route 20 bridge 16235~~

~~Cowles creek — United States route 20 bridge 16236~~

~~Indian creek — United States route 20 bridge 16237~~

~~Grand river — state route 535 bridge 16238~~

~~Conneaut creek — Main street bridge, downtown Conneaut 16239~~

~~Ashtabula river — east 24th street bridge 16240~~

Sec. 1531.33. (A) The wildlife habitat fund is hereby created 16241
in the state treasury. The fund shall consist of the investment 16242
earnings of the wildlife habitat trust fund created in section 16243
1531.32 of the Revised Code; gifts, donations, bequests, and other 16244
moneys contributed to the division of wildlife for the purposes of 16245
the fund; moneys collected under division (H) of section 1531.06 16246
of the Revised Code; ~~moneys deposited in the fund under division 16247
(C)(2)(b) of section 1509.73 of the Revised Code;~~ contributions 16248
collected under section 4503.568 of the Revised Code from issuance 16249

of the "Ohio Bullfrog" license plate; and moneys received by the 16250
division pursuant to negotiated mitigation settlements from 16251
persons who have adversely affected fish and wildlife, or their 16252
habitats, over which the division has jurisdiction under this 16253
chapter or Chapter 1533. of the Revised Code other than fish and 16254
wildlife of the Ohio river or their habitats. 16255

(B)(1) Except as provided in division (B)(2) of this section, 16256
the fund shall be used by the division to acquire and develop 16257
lands for the preservation, propagation, and protection of wild 16258
animals. 16259

(2) The contributions from the "Ohio Bullfrog" license plate 16260
shall be used for the protection and preservation of wetlands in 16261
Ohio and for educational programs pertaining to the bullfrog and 16262
similar wetland animals. 16263

(C) All expenditures from the wildlife habitat fund shall be 16264
approved by the director of natural resources. 16265

(D) Quarterly each fiscal year, the treasurer of state shall 16266
transfer the investment earnings of the wildlife habitat trust 16267
fund to the wildlife habitat fund. 16268

Sec. 1531.35. The wildlife boater angler fund is hereby 16269
created in the state treasury. The fund shall consist of money 16270
credited to the fund pursuant to section 5735.051 of the Revised 16271
Code and other money contributed to the division of wildlife for 16272
the purposes of the fund. The fund shall be used for boating 16273
access construction, improvements, maintenance and repair of dams 16274
and impoundments, and acquisitions, including lands and facilities 16275
for boating access, and to pay for equipment and personnel costs 16276
involved with those activities, on waters on which the operation 16277
of gasoline-powered watercraft is permissible. ~~However, not more~~ 16278
~~than five hundred thousand dollars of the annual expenditures from~~ 16279

~~the fund may be used to pay for the equipment and personnel costs.~~ 16280

Sec. 1533.01. As used in this chapter, "person," "resident," 16281
"nonresident," "division rule," "rule," "closed season," "open 16282
season," "take or taking," "possession," "bag limit," "transport 16283
and transportation," "sell and sale," "whole to include part," 16284
"angling," "trotline," "fish," "measurement of fish," "wild 16285
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 16286
"game quadrupeds," "fur-bearing animals," "wild animals," 16287
"hunting," "trapping," "muskrat spear," "channels and passages," 16288
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 16289
fish," "fishing," "fillet," "part fillet," "round," "migrate," 16290
"spreader bar," "fishing guide," "net," "commercial fishing gear," 16291
"native wildlife," "gill net," "tag fishing tournament," "tenant," 16292
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 16293
deer," "migratory game bird," "accompany," "all-purpose vehicle," 16294
"wholly enclosed preserve," "commercial bird shooting preserve," 16295
"wild animal hunting preserve," and "captive white-tailed deer," 16296
~~and "Lake Erie sport fishing district"~~ have the same meanings as 16297
in section 1531.01 of the Revised Code. 16298

Sec. 1533.101. Any person who has a current hunting or 16299
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 16300
~~permit,~~ a wetlands habitat stamp, a deer or wild turkey permit, or 16301
a fur taker permit pursuant to this chapter and has lost or 16302
destroyed the license, stamp, or permit, or had the license, 16303
stamp, or permit stolen, may be reissued such license, stamp, or 16304
permit. The person shall file with the clerk of the court of 16305
common pleas an application in affidavit form or, if the chief of 16306
the division of wildlife authorizes it, apply for a reissued 16307
license, stamp, or permit to an authorized agent designated by the 16308
chief, and pay a fee for each license, stamp, or permit of four 16309
dollars. The clerk or agent shall administer the oath to the 16310

applicant, issue a reissued license, stamp, or permit that shall 16311
allow the applicant to hunt, fish, or trap, as applicable, and 16312
send a copy of the reissued license, stamp, or permit to the 16313
division of wildlife. 16314

All moneys received as fees for the issuance of reissued 16315
licenses, stamps, or permits shall be transmitted to the director 16316
of natural resources to be paid into the state treasury to the 16317
credit of the funds to which the fees for the original licenses, 16318
stamps, and permits were credited. 16319

No person shall knowingly or willfully secure, attempt to 16320
secure, or use a reissued hunting or fishing license, wetlands 16321
habitat stamp, deer or wild turkey permit, or fur taker permit to 16322
which the person is not entitled. No person shall knowingly or 16323
willfully issue a reissued hunting or fishing license, wetlands 16324
habitat stamp, deer or wild turkey permit, or fur taker permit 16325
under this section to any person who is not entitled to receive 16326
and use such a reissued license, stamp, or permit. 16327

Sec. 1533.11. (A)(1) Except as provided in this section or 16328
section 1533.731 of the Revised Code, no person shall hunt deer on 16329
lands of another without first obtaining an annual deer permit. 16330
Except as provided in this section, no person shall hunt wild 16331
turkeys on lands of another without first obtaining an annual wild 16332
turkey permit. A deer or wild turkey permit is valid during the 16333
hunting license year in which the permit is purchased. Except as 16334
provided in rules adopted under division (B) of ~~that~~ section 16335
1533.12 of the Revised Code, each applicant for a deer or wild 16336
turkey permit shall pay an annual fee for each permit in 16337
accordance with the following schedule: 16338

Deer permit - resident	\$30.00	16339
Deer permit - nonresident	\$74.00	16340

Youth deer permit - resident and nonresident	\$15.00	16341
Senior deer permit - resident	\$11.50 <u>\$11.00</u>	16342
Wild turkey permit - resident	\$30.00	16343
Wild turkey permit - nonresident	\$37.00	16344
Youth wild turkey permit - resident and nonresident	\$15.00	16345
Senior wild turkey permit - resident	\$11.50 <u>\$11.00</u>	16346
(2) As used in division (A)(1) of this section:		16347
(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.		16348 16349 16350
(b) "Nonresident" means any individual who does not qualify as a resident.		16351 16352
(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.		16353 16354
(d)(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.		16355 16356
(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.		16357 16358 16359 16360 16361 16362 16363
(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.		16364 16365 16366 16367 16368
(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this		16369 16370

section and section 1533.10 of the Revised Code. 16371

(6) An owner who is a resident of this state or an owner who 16372
is exempt from obtaining a hunting license under section 1533.10 16373
of the Revised Code and the children of the owner of lands in this 16374
state may hunt deer or wild turkey thereon without a deer or wild 16375
turkey permit. If the owner of land in this state is a limited 16376
liability company or a limited liability partnership that consists 16377
of three or fewer individual members or partners, as applicable, 16378
an individual member or partner who is a resident of this state 16379
and the member's or partner's children of any age may hunt deer or 16380
wild turkey on the land owned by the limited liability company or 16381
limited liability partnership without a deer or wild turkey 16382
permit. In addition, if the owner of land in this state is a trust 16383
that has a total of three or fewer trustees and beneficiaries, an 16384
individual who is a trustee or beneficiary and who is a resident 16385
of this state and the individual's children of any age may hunt 16386
deer or wild turkey on the land owned by the trust without a deer 16387
or wild turkey permit. The tenant and children of the tenant may 16388
hunt deer or wild turkey on lands where they reside without a deer 16389
or wild turkey permit. 16390

(B) A deer or wild turkey permit is not transferable. No 16391
person shall carry a deer or wild turkey permit issued in the name 16392
of another person. 16393

(C) The wildlife refunds fund is hereby created in the state 16394
treasury. The fund shall consist of money received from 16395
application fees for deer permits that are not issued. Money in 16396
the fund shall be used to make refunds of such application fees. 16397

(D) If the division establishes a system for the electronic 16398
submission of information regarding deer or wild turkey that are 16399
taken, the division shall allow the owner and the children of the 16400
owner of lands in this state to use the owner's name or address 16401
for purposes of submitting that information electronically via 16402

that system. 16403

Sec. 1533.12. (A)(1) Except as otherwise provided in division 16404
(A)(2) of this section, every person on active duty in the armed 16405
forces of the United States who is stationed in this state and who 16406
wishes to engage in an activity for which a license, permit, or 16407
stamp is required under this chapter first shall obtain the 16408
requisite license, permit, or stamp. Such a person is eligible to 16409
obtain a resident hunting or fishing license regardless of whether 16410
the person qualifies as a resident of this state. To obtain a 16411
resident hunting or fishing license, the person shall present a 16412
card or other evidence identifying the person as being on active 16413
duty in the armed forces of the United States and as being 16414
stationed in this state. 16415

(2) Every person on active duty in the armed forces of the 16416
United States, while on leave or furlough, may take or catch fish 16417
of the kind lawfully permitted to be taken or caught within the 16418
state, may hunt any wild bird or wild quadruped lawfully permitted 16419
to be hunted within the state, and may trap fur-bearing animals 16420
lawfully permitted to be trapped within the state, without 16421
procuring a fishing license, a hunting license, a fur taker 16422
permit, or a wetlands habitat stamp required by this chapter, 16423
provided that the person shall carry on the person when fishing, 16424
hunting, or trapping, a card or other evidence identifying the 16425
person as being on active duty in the armed forces of the United 16426
States, and provided that the person is not otherwise violating 16427
any of the hunting, fishing, and trapping laws of this state. 16428

In order to hunt deer or wild turkey, any such person shall 16429
obtain a deer or wild turkey permit, as applicable, under section 16430
1533.11 of the Revised Code. Such a person is eligible to obtain a 16431
deer or wild turkey permit at the resident rate, regardless of 16432
whether the person is a resident of this state. However, the 16433

person need not obtain a hunting license in order to obtain such a permit. 16434
16435

(B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code all of the following: 16436
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(1) Every resident of this state ~~with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and~~ who received an honorable discharge from the armed forces of the United States, and who is entitled to benefits under the dependent's education assistance program administered by the United States department of veterans affairs, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be issued a fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief. 16439
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(2) Every resident of the state who was born on or before December 31, 1937, shall be issued an annual fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. 16455
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(3) Every resident of state or county institutions, charitable institutions, and military homes in this state shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms 16462
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provided by the chief. 16466

(4) Any mobility impaired or blind person, as defined in 16467
section 955.011 of the Revised Code, who is a resident of this 16468
state and who is unable to engage in fishing without the 16469
assistance of another person shall be issued an annual fishing 16470
license free of charge when application is made to the chief in 16471
the manner prescribed by and on forms provided by the chief. The 16472
person who is assisting the mobility impaired or blind person may 16473
assist in taking or catching fish of the kind permitted to be 16474
taken or caught without procuring the license required under 16475
section 1533.32 of the Revised Code, provided that only one line 16476
is used by both persons. 16477

(5) As used in division (B)(5) of this section, "prisoner of 16478
war" means any regularly appointed, enrolled, enlisted, or 16479
inducted member of the military forces of the United States who 16480
was captured, separated, and incarcerated by an enemy of the 16481
United States. 16482

Any person who has been a prisoner of war, was honorably 16483
discharged from the military forces, and is a resident of this 16484
state shall be issued a fishing license, hunting license, fur 16485
taker permit, or wetlands habitat stamp, or any combination of 16486
those licenses, permits, and stamp, free of charge on an annual, 16487
multi-year, or lifetime basis as determined appropriate by the 16488
chief when application is made to the chief in the manner 16489
prescribed by and on forms provided by the chief. 16490

(C) The chief shall adopt rules pursuant to section 1531.08 16491
of the Revised Code designating not more than two days, which need 16492
not be consecutive, in each year as "free sport fishing days" on 16493
which any resident may exercise the privileges accorded the holder 16494
of a fishing license issued under section 1533.32 of the Revised 16495
Code without procuring such a license, provided that the person is 16496
not otherwise violating any of the fishing laws of this state. 16497

Sec. 1533.321. (A) The chief of the division of wildlife may 16498
issue any of the following: 16499

(1) Multi-year hunting or fishing licenses for three-, five-, 16500
or ten-year terms to a resident of this state; 16501

(2) Lifetime hunting or fishing licenses to a resident of 16502
this state; 16503

(3) A package consisting of any combination of license, 16504
stamp, or permit that the chief is authorized to issue under this 16505
chapter. 16506

(B) The chief may adopt rules in accordance with section 16507
1531.10 of the Revised Code governing multi-year hunting and 16508
fishing licenses, lifetime hunting and fishing licenses, and 16509
combination packages, including rules establishing fees for the 16510
combination packages. The chief shall ensure that the price for a 16511
combination package is not discounted by more than five per cent 16512
of the total fees for the licenses, permits, or stamps that a 16513
person would otherwise pay for those licenses, permits, or stamps 16514
if the person purchased them individually. 16515

(C)(1) The multi-year and lifetime license fund is hereby 16516
created in the state treasury. The fund shall consist of money 16517
received from application fees for multi-year and lifetime hunting 16518
and fishing licenses. 16519

(2) Each fiscal year, a prorated amount of the money from 16520
each multi-year and lifetime license fee shall be transferred from 16521
the multi-year and lifetime license fund to the fund into which 16522
the applicable single year license fee would otherwise be 16523
deposited. The prorated amount shall equal the total amount of the 16524
fee charged for the license divided by the number of years the 16525
license is valid. The chief shall adopt rules in accordance with 16526
section 1531.10 of the Revised Code for the administration of this 16527

division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 16528
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred into the wildlife fund created in section 1531.17 of the Revised Code. 16531
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(D)(1) Each applicant for a multi-year or lifetime fishing license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 16535
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Senior 3-year fishing license \$27.50 16538

26.00

Senior 5-year fishing license \$45.75 16539

43.34

Senior lifetime fishing license \$81.00 16540

3-year fishing license ~~\$52.00~~69.34 16541

5-year fishing license ~~\$86.75~~ 16542

115.56

10-year fishing license ~~\$173.50~~ 16543

231.12

Lifetime fishing license ~~\$450.00~~ 16544

576.00

Youth lifetime fishing license \$414.00 16545

(2) As used in division (D)(1) of this section: 16546

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a license. 16547
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(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 16549
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(E)(1) Each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 16551
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Senior 3-year hunting license	\$27.50 <u>26.00</u>	16554
Senior 5-year hunting license	\$45.75 <u>43.34</u>	16555
Senior lifetime hunting license	\$81.00	16556
Youth 3-year hunting license	\$27.50 <u>26.00</u>	16557
Youth 5-year hunting license	\$45.75 <u>43.34</u>	16558
Youth 10-year hunting license	\$91.50 <u>86.67</u>	16559
Youth lifetime hunting license	\$414.00	16560
3-year hunting license	\$52.00	16561
5-year hunting license	\$86.75 <u>86.67</u>	16562
10-year hunting license	\$173.50 <u>173.34</u>	16563
Lifetime hunting license	\$450.00 <u>432.00</u>	16564

(2) As used in division (E)(1) of this section: 16565

(a) "Youth" means an applicant who is under the age of 16566
eighteen years at the time of application for a license. 16567

(b) "Senior" means an applicant who is sixty-six years of age 16568
or older at the time of application for a license. 16569

(F) If a person who is issued a multi-year hunting or fishing 16570
license or lifetime hunting or fishing license in accordance with 16571
division (A) of this section subsequently becomes a nonresident 16572
after issuance of the license, the person's license remains valid 16573
in this state during its term, regardless of residency status. 16574

Sec. 1546.06. The chief of the division of parks and 16575
watercraft shall prepare and submit to the director of natural 16576

resources maps and descriptions of the areas of lands and waters 16577
which the chief intends to designate as state park purchase areas. 16578
Such state park purchase areas may include lands and waters at the 16579
time belonging to the state, together with lands and waters not 16580
belonging to the state but which for reasons of protection, 16581
utilization, and administration should be subject to purchase by 16582
the state for park purposes. If such area is approved by the 16583
director of natural resources, it shall be known as a state park 16584
purchase area, and the map and description thereof, with the 16585
approval of the director of natural resources indorsed thereon, 16586
shall be filed in duplicate with the ~~auditor of state~~ director of 16587
administrative services and the attorney general. 16588

All moneys appropriated for the purchase of lands and waters 16589
by the state for park purposes, unless specifically appropriated 16590
for the purchase of particular tracts or areas, may be expended 16591
for the purchase of lands or waters within any legally established 16592
state park purchase area. If, after the purchase of specifically 16593
designated tracts or areas, moneys from such appropriations remain 16594
unexpended, upon the request of the director of natural resources, 16595
the controlling board shall release such funds, in whole or in 16596
part, for the purchase of lands or waters within any state park 16597
purchase area. 16598

Sec. 1547.533. No person shall operate a watercraft in this 16599
state if it displays an identification number or registration 16600
decal that is any of the following: 16601

(A) Fictitious; 16602

(B) A counterfeit or an unlawfully made copy of any 16603
identification number or registration decal; 16604

(C) An identification number or registration decal that 16605
belongs to another watercraft. 16606

Sec. 1547.59. The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, damage to property in excess of ~~five hundred~~ one thousand dollars, or the total loss of a vessel, shall file with the chief of the division of parks and watercraft a full description of the collision, accident, or other casualty on a form prescribed by the chief.

If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating

law enforcement officer shall file the required form as prescribed 16638
by the chief. 16639

Sec. 1551.01. As used in this chapter: 16640

(A) "Governmental agency" means the United States government 16641
or any department, agency, or instrumentality thereof; any 16642
department, agency, or instrumentality of a state government; any 16643
municipal corporation, county, township, board of education, or 16644
other political subdivision or any other body corporate and 16645
politic of a state; or any agency, commission, or authority 16646
established under an interstate compact or agreement. 16647

(B) "Energy resource development facility" means any energy 16648
resource development, research, or conservation facility, 16649
including pilot as well as demonstration facilities, and including 16650
undivided or other interests therein, acquired or to be acquired, 16651
or constructed or to be constructed under this chapter or Chapter 16652
6121. or 6123. of the Revised Code, or acquired or to be acquired, 16653
or constructed or to be constructed by a governmental agency or 16654
person with all or a part of the cost thereof being paid from a 16655
loan or grant under such chapters, including all buildings and 16656
facilities that the director of development ~~services~~ determines 16657
necessary for the operation of the facility, together with all 16658
property, rights, easements, and interests that may be required 16659
for the operation of the facility, which facilities may include: 16660

(1) Any building, testing facility, testing device, or 16661
support facilities which would provide experimental, 16662
demonstration, or testing capabilities or services not otherwise 16663
available in this state and which are necessary for the 16664
accomplishment of the purposes of this chapter; 16665

(2) Any method, process, structure, or equipment that is used 16666
to store coal, oil, natural gas, fuel for nuclear reactors, or any 16667
other form of energy; 16668

(3) Any method, process, structure, or equipment that is used 16669
to recover or convert coal, oil, natural gas, steam, or other form 16670
of energy from property located within the state for the purpose 16671
of supplying energy for utilization; 16672

(4) Any method, process, structure, or equipment that is 16673
designed to result in more efficient recovery, conversion, or 16674
utilization of energy resources within the state, including any 16675
scrap tire recovery facility for which a registration certificate 16676
or permit has been issued under section 3734.78 of the Revised 16677
Code; 16678

(5) Any improvement that is designed to improve the thermal 16679
efficiency of a building or structure or reduce the fuel or power 16680
needed to heat, cool, light, ventilate, or provide hot water in a 16681
building or structure; 16682

(6) Any improvement designed to enable the substitution of 16683
coal or alternate fuel, other than natural gas, for natural gas or 16684
a petroleum fuel, or the conversion of coal to other fuels; 16685

(7) Any improvement designed to enable the combustion of high 16686
sulfur coal in compliance with air or water pollution control or 16687
solid waste disposal laws, including, but not limited to, any 16688
facility for processing coal to remove sulfur before combustion of 16689
the coal, for fluidized bed combustion, or for removal of the 16690
sulfur before the products of combustion are emitted or 16691
discharged. 16692

(C) "Cost" as applied to an energy resource development 16693
facility means the cost of acquisition and construction, the cost 16694
of acquisition of all land, rights-of-way, property rights, 16695
easements, franchise rights, and interests required for such 16696
acquisition and construction, the cost of demolishing or removing 16697
any buildings or structures on land so acquired, including the 16698
cost of acquiring any lands to which such buildings or structures 16699

may be moved, the cost of acquiring or constructing and equipping 16700
a principal office and sub-offices of the department of 16701
development, the cost of diverting highways, interchange of 16702
highways, access roads to private property, including the cost of 16703
land or easements for such access roads, the cost of public 16704
utility and common carrier relocation or duplication, the cost of 16705
all machinery, furnishings, and equipment, financing charges, 16706
interest prior to and during construction and for no more than 16707
eighteen months after completion of construction, engineering, 16708
expenses of research and development with respect to the facility, 16709
legal expenses, plans, specifications, surveys, studies, estimates 16710
of cost and revenues, working capital, other expenses necessary or 16711
incident to determining the feasibility or practicability of 16712
acquiring or constructing such facility, administrative expense, 16713
and such other expense as may be necessary or incident to the 16714
acquisition or construction of the facility, the financing of such 16715
acquisition or construction, including the amount authorized in 16716
the resolution of the Ohio water development authority providing 16717
for the issuance of energy resource development revenue bonds to 16718
be paid into any special funds from the proceeds of such bonds, 16719
and the financing of the placing of such facility in operation. 16720
Any obligation, cost, or expense incurred after August 26, 1975, 16721
by any governmental agency or person for surveys, borings, 16722
preparation of plans and specifications, and other engineering 16723
services, or any other cost described above, in connection with 16724
the acquisition or construction of a facility may be regarded as a 16725
part of the cost of such facility and may be reimbursed out of the 16726
proceeds of energy resource development revenue bonds. 16727

(D) "Revenues" means all rentals and other charges received 16728
by the Ohio water development authority for the use or services of 16729
any energy resource development facility, any contract, gift, or 16730
grant received with respect to any energy resource development 16731
facility, and moneys received with respect to the lease, sublease, 16732

sale, including installment sale or conditional sale, or other 16733
disposition of an energy resource development facility, moneys 16734
received in repayment of and for interest on any loans made by the 16735
authority to a person or governmental agency, whether from the 16736
United States or any department, administration, or agency 16737
thereof, or otherwise, proceeds of energy resource development 16738
revenue bonds to the extent that the use thereof for payment of 16739
principal of, premium, if any, or interest on the bonds is 16740
authorized by the authority, proceeds from any insurance, 16741
condemnation, or guaranty pertaining to a facility or property 16742
mortgaged to secure bonds or pertaining to the financing of a 16743
facility, and income and profit from the investment of the 16744
proceeds of energy resource development revenue bonds or of any 16745
revenues. 16746

(E) "Construction," unless the context indicates a different 16747
meaning or intent, includes construction, reconstruction, 16748
enlargement, improvement, or providing furnishings or equipment. 16749

(F) "Energy resource development revenue bonds," unless the 16750
context indicates a different meaning or intent, includes energy 16751
resource development revenue bonds, energy resource development 16752
revenue notes, and energy resource development revenue refunding 16753
bonds. 16754

(G) "Energy" means work or heat that is, or can be, produced 16755
from any fuel or source whatsoever. 16756

(H) "Energy audit" means any process by which energy usage or 16757
costs of heating, cooling, lighting, and climate control in a 16758
building or structure are determined. 16759

(I) "Energy conservation" means preservation of energy 16760
resources by efficient utilization, and reduction of waste. 16761

(J) "Energy conservation measure" means any modification of a 16762
building, structure, machine, appliance, vehicle, improvement, or 16763

process in order to improve its efficiency of energy use or energy costs. 16764
16765

(K) "Fuel" means petroleum, crude oil, petroleum product, coal, natural gas, synthetic natural or artificial gas, nuclear, or other substance used primarily for its energy content. 16766
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(L) "Net energy analysis" means the determination of the amount of energy remaining after all energy outputs have been subtracted from the energy inputs of a given system. 16769
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~~(M) "Department of development" means the development services agency and "director of development" means the director of development services.~~ 16772
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Sec. 1551.33. (A) The director of development ~~services~~ shall appoint and fix the compensation of the director of the Ohio coal development office. The director shall serve at the pleasure of the director of development ~~services~~. 16775
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(B) The director of the office shall do all of the following: 16779

(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; 16780
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(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; 16782
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(3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda; 16785
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(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person; 16789
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(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office. Any such employees shall be in the unclassified service and shall serve at the pleasure of the director of development ~~services~~.

(6) Convene the technical advisory committee established under section 1551.35 of the Revised Code;

(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.304 of the Revised Code and including the reasons for the recommendation.

(8) Establish such policies, procedures, and guidelines as are necessary to achieve the office's purposes.

(C) With the approval of the director of development ~~services~~, the director of the office may exercise any of the powers and duties that the director of development ~~services~~ considers appropriate or desirable to achieve the office's purposes, including, but not limited to, the powers and duties enumerated in sections 1551.11, 1551.12, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to

governmental agencies or persons for projects to carry out the 16824
office's purposes. Fees, charges, rates of interest, times of 16825
payment of interest and principal, and other terms, conditions, 16826
and provisions of the loans shall be such as the director of the 16827
office determines to be appropriate and in furtherance of the 16828
purposes for which the loans are made. The mortgage lien securing 16829
any moneys lent by the director of the office may be subordinate 16830
to the mortgage lien securing any moneys lent or invested by a 16831
financial institution, but shall be superior to that securing any 16832
moneys lent or expended by any other person. The moneys used in 16833
making the loans shall be disbursed upon order of the director of 16834
the office. 16835

Sec. 1551.35. (A) There is hereby established a technical 16836
advisory committee to assist the director of the Ohio coal 16837
development office in achieving the office's purposes. The 16838
director of development ~~services~~ shall appoint to the committee 16839
one member of the public utilities commission and one 16840
representative each of coal production companies, the united mine 16841
workers of America, and electric utilities, as well as two people 16842
with a background in coal research and development technology, one 16843
of whom is employed at the time of the member's appointment by a 16844
state university, as defined in section 3345.011 of the Revised 16845
Code. In addition, the committee shall include four legislative 16846
members. The speaker and minority leader of the house of 16847
representatives each shall appoint one member of the house of 16848
representatives, and the president and minority leader of the 16849
senate each shall appoint one member of the senate, to the 16850
committee. The director of environmental protection shall serve on 16851
the committee as an ex officio member. Any member of the committee 16852
may designate in writing a substitute to serve in the member's 16853
absence on the committee. The director of environmental protection 16854
may designate in writing the chief of the air pollution control 16855

division of the environmental protection agency to represent the 16856
agency. Members shall serve on the committee at the pleasure of 16857
their appointing authority. Members of the committee appointed by 16858
the director of development ~~services~~ and, notwithstanding section 16859
101.26 of the Revised Code, legislative members of the committee, 16860
when engaged in their official duties as members of the committee, 16861
shall be compensated on a per diem basis in accordance with 16862
division (J) of section 124.15 of the Revised Code, except that 16863
the member of the public utilities commission and, while employed 16864
by a state university, the member with a background in coal 16865
research, shall not be so compensated. Members shall receive their 16866
actual and necessary expenses incurred in the performance of their 16867
duties. 16868

(B) The technical advisory committee shall review and make 16869
recommendations concerning the Ohio coal development agenda 16870
required under section 1551.34 of the Revised Code, project 16871
proposals, research and development projects submitted to the 16872
office by public utilities for the purpose of section 4905.304 of 16873
the Revised Code, proposals for grants, loans, and loan guarantees 16874
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 16875
and such other topics as the director of the office considers 16876
appropriate. 16877

(C) The technical advisory committee may hold an executive 16878
session at any regular or special meeting for the purpose of 16879
considering research and development project proposals or 16880
applications for assistance submitted to the Ohio coal development 16881
office under section 1551.33, or sections 1555.01 to 1555.06, of 16882
the Revised Code, to the extent that the proposals or applications 16883
consist of trade secrets or other proprietary information. 16884

Any materials or data submitted to, made available to, or 16885
received by the department of development ~~services~~ agency or the 16886

director of the Ohio coal development office in connection with 16887
agreements for assistance entered into under this chapter or 16888
Chapter 1555. of the Revised Code, or any information taken from 16889
those materials or data for any purpose, to the extent that the 16890
materials or data consist of trade secrets or other proprietary 16891
information, are not public records for the purposes of section 16892
149.43 of the Revised Code. 16893

As used in this division, "trade secrets" has the same 16894
meaning as in section 1333.61 of the Revised Code. 16895

Sec. 1561.12. An applicant for any examination or certificate 16896
under this section shall, before being examined, register the 16897
applicant's name with the chief of the division of mineral 16898
resources management and file with the chief an affidavit as to 16899
all matters of fact establishing the applicant's right to receive 16900
the examination and a certificate from a reputable and 16901
disinterested physician as to the physical condition of the 16902
applicant showing that the applicant is physically capable of 16903
performing the duties of the office or position. 16904

Each applicant for examination for any of the following 16905
positions shall present evidence satisfactory to the chief that 16906
the applicant has been a resident and citizen of this state for 16907
two years next preceding the date of application: 16908

(A) An applicant for the position of deputy mine inspector of 16909
underground mines shall have had actual practical experience of 16910
not less than six years, ~~at least two of which shall have been in~~ 16911
~~the underground workings of mines in this state. In the case of an~~ 16912
~~applicant who would inspect underground coal mines, the two years~~ 16913
~~shall consist of actual practical experience in underground coal~~ 16914
~~mines. In the case of an applicant who would inspect noncoal~~ 16915
~~mines, the two years shall consist of actual practical experience~~ 16916
~~in noncoal mines~~ in underground mines. In lieu of two of the six 16917

years of ~~the~~ actual practical experience required in underground 16918
mines, the chief may accept as the equivalent thereof a 16919
certificate evidencing graduation from an accredited school of 16920
mines or mining, after a four-year course of study, ~~but such~~ 16921
~~credit shall not apply as to the two years' actual practical~~ 16922
~~experience required in the mines in this state.~~ 16923

The applicant shall pass an examination as to the applicant's 16924
practical and technological knowledge of mine surveying, mining 16925
machinery, and appliances; the proper development and operation of 16926
mines; the best methods of working and ventilating mines; the 16927
nature, properties, and powers of noxious, poisonous, and 16928
explosive gases, particularly methane; the best means and methods 16929
of detecting, preventing, and removing the accumulation of such 16930
gases; the use and operation of gas detecting devices and 16931
appliances; first aid to the injured; and the uses and dangers of 16932
electricity as applied and used in, at, and around mines. The 16933
applicant shall also hold a certificate for foreperson of gaseous 16934
mines issued by the chief. 16935

(B) An applicant for the position of deputy mine inspector of 16936
surface mines shall have had actual practical mining experience of 16937
not less than six years, ~~at least two of which shall have been in~~ 16938
surface mines ~~in this state~~. In lieu of two of the six years of 16939
~~the~~ actual practical experience required, the chief may accept as 16940
the equivalent thereof a certificate evidencing graduation from an 16941
accredited school of mines or mining, after a four-year course of 16942
study, ~~but that credit shall not apply as to the two years' actual~~ 16943
~~practical experience required in the mines in this state~~. The 16944
applicant shall pass an examination as to the applicant's 16945
practical and technological knowledge of surface mine surveying, 16946
machinery, and appliances; the proper development and operations 16947
of surface mines; first aid to the injured; and the use and 16948
dangers of explosives and electricity as applied and used in, at, 16949

and around surface mines. The applicant shall also hold a surface mine foreperson certificate issued by the chief. 16950
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(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and the applicant shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines. 16952
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The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining the applicant's qualification and ability to competently inspect and administer the mining law that relates to electricity used in and around mines and mining in this state. 16958
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(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, the applicant shall present evidence satisfactory to the chief that the applicant is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work. 16963
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The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to the applicant's practical and technological experience and training in first aid, safety, and mine rescue work. 16970
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(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The chief may provide that an equivalent combination of education and experience together with a wide knowledge of the methods of and skill in chemical 16974
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analysis and research may be accepted in lieu of the above 16981
qualifications. It is preferred that the chemist shall have had 16982
actual experience in mineralogy and metallurgy. 16983

Sec. 1561.23. (A) The chief of the division of mineral 16984
resources management shall issue the following certificates to 16985
those applicants who pass their examination: 16986

- ~~(A)~~(1) Certificates for mine forepersons of gaseous mines; 16987
- ~~(B)~~(2) Certificates for mine forepersons of nongaseous mines; 16988
- ~~(C)~~(3) Certificates for forepersons of gaseous mines; 16989
- ~~(D)~~(4) Certificates for forepersons of nongaseous mines; 16990
- ~~(E)~~(5) Certificates for forepersons of surface maintenance 16991
facilities of underground or surface mines; 16992
- ~~(F)~~(6) Certificates for mine forepersons of surface mines; 16993
- ~~(G)~~(7) Certificates for forepersons of surface mines; 16994
- ~~(H)~~(8) Certificates for fire bosses; 16995
- ~~(I)~~(9) Certificates for mine electricians; 16996
- ~~(J)~~(10) Certificates for surface mine blasters; 16997
- ~~(K)~~(11) Certificates for shot firers. 16998

(B) Applicants for certificates shall make application to the 16999
chief, on a form provided by the chief, for examination. All 17000
applicants shall be able to read and write the English language 17001
intelligently, and shall furnish the chief with a certificate as 17002
to the length and description of their practical experience and 17003
satisfactory evidence of their ability to perform the duties of 17004
the position for which they make application for examination. 17005

(C) The chief may issue a certificate to an applicant for 17006
mine foreperson, foreperson, or mine electrician who holds a valid 17007
certification or other authorization from a state with which the 17008

department of natural resources has a reciprocal agreement for the 17009
certification or other authorization. However, the applicant shall 17010
pass an examination on this chapter and rules adopted under it or 17011
on any other relevant material that the chief determines to be 17012
appropriate. 17013

A mine foreperson, foreperson, or mine electrician who has 17014
been issued a temporary certificate under section 1565.06 of the 17015
Revised Code prior to the effective date of this amendment and who 17016
holds a valid certification or other authorization from a state 17017
with which the department has a reciprocal agreement for the 17018
certification or other authorization may continue to operate under 17019
the temporary certificate until it expires or the chief suspends 17020
or revokes it. 17021

(D) Except as provided in sections 1561.16 and 1561.17 of the 17022
Revised Code, any certificate issued by the former mine examining 17023
board prior to October 29, 1995, shall remain in effect 17024
notwithstanding the new classifications of certificates 17025
established by this section. 17026

Sec. 1703.27. No foreign nonprofit corporation shall exercise 17027
its corporate privileges in this state in a continual course of 17028
transactions until it has first procured from the secretary of 17029
state a certificate authorizing it to do so. 17030

Before issuing such certificate, the secretary of state shall 17031
require such foreign corporation to file in the secretary of 17032
state's office a certificate of good standing or subsistence, 17033
setting forth the exact corporate title, the date of 17034
incorporation, and the fact that the corporation is in good 17035
standing or is a subsisting corporation, certified by the 17036
secretary of state, or other proper official, of the state under 17037
the laws of which the corporation was incorporated, and a 17038
statement, on a form prescribed by the secretary of state, 17039

verified by the oath of one of its officers, setting forth, but 17040
not limited to, the following: 17041

(A) The name of the corporation; 17042

(B) The state under the laws of which it is incorporated; 17043

(C) The location of its principal office; 17044

(D) The corporate privileges it proposes to exercise in this 17045
state; 17046

(E) ~~The location of its principal office in this state;~~ 17047

~~(F)~~ The appointment of a designated agent and the complete 17048
address of such agent, which shall comply with the requirements of 17049
section 1703.041 of the Revised Code; 17050

~~(G)~~(F) Its irrevocable consent to service of process on such 17051
agent so long as the authority of the agent continues and to 17052
service of process upon the secretary of state in the events 17053
provided for in section 1703.19 of the Revised Code. 17054

For the filing of that statement, the secretary of state 17055
shall charge and collect the fee specified in division (I)(1) of 17056
section 111.16 of the Revised Code. 17057

A foreign nonprofit corporation shall file an amendment with 17058
the secretary of state if there is a modification of any of the 17059
information required to be included in its statement, except for 17060
changes in information required by division ~~(F)~~(E) of this 17061
section, which shall be corrected in the same manner as described 17062
in section 1702.06 of the Revised Code. For the filing of those 17063
amendments and corrections, the secretary of state shall charge 17064
and collect the fee specified in division (B) or (R) of section 17065
111.16 of the Revised Code. 17066

Sections 1703.01 to 1703.31 of the Revised Code, governing 17067
foreign corporations for profit in respect to exemption from 17068
attachment, change of location of principal office, change of its 17069

designated agent or of the designated agent's address, service on 17070
the secretary of state, license certificate as prima-facie 17071
evidence, proof of due incorporation, filing of amendments 17072
evidencing changes of corporate name, merger, or consolidation, 17073
filing of certificate of surrender, service on retired 17074
corporation, and penalties or forfeitures for transacting business 17075
without license, for false reports, and for failure to comply with 17076
other applicable provisions of such sections, shall also apply to 17077
foreign nonprofit corporations. 17078

The secretary of state may require further reports, 17079
certificates, or information from a foreign nonprofit corporation, 17080
including verification of the continued existence of the 17081
corporation. Upon the failure of any corporation to provide the 17082
information, the secretary of state shall give notice of the 17083
failure by certified mail and, if the report is not filed within 17084
thirty days after the mailing of the notice, the license of the 17085
corporation to exercise its corporate privileges in this state 17086
shall expire and the secretary of state shall make a notation to 17087
that effect on the secretary of state's records. 17088

Sec. 1707.37. (A) All fees and charges collected under this 17089
chapter shall be paid into the state treasury to the credit of the 17090
division of securities fund, which is hereby created. All expenses 17091
of the division of securities, other than those specified in 17092
division (B) of this section, shall be paid from the fund. 17093

The fund shall be assessed a proportionate share of the 17094
administrative costs of the department of commerce in accordance 17095
with procedures prescribed by the director of commerce ~~and~~ 17096
~~approved by the director of budget and management.~~ The assessments 17097
shall be paid from the division of securities fund to the division 17098
of administration fund. 17099

If moneys in the division of securities fund are determined 17100

by the director of budget and management and the director of 17101
commerce to be in excess of those necessary to defray all the 17102
expenses in any fiscal year, the director of budget and management 17103
shall transfer the excess to the general revenue fund. 17104

(B) There is hereby created in the state treasury the 17105
division of securities investor education and enforcement expense 17106
fund, which shall consist of all money received in settlement of 17107
any violation of this chapter and any cash transfers. Money in the 17108
fund shall be used to pay expenses of the division of securities 17109
relating to education or enforcement for the protection of 17110
securities investors and the public. The division may adopt rules 17111
pursuant to section 1707.20 of the Revised Code that establish 17112
what qualifies as such an expense. 17113

Sec. 1707.47. (A) As used in this section and section 17114
1707.471 of the Revised Code: 17115

(1) "Claimant" means a person that files an application for 17116
restitution assistance on behalf of a victim. 17117

(2) "Final order" means a final administrative order issued 17118
by the division of securities or a final court order in a civil or 17119
criminal proceeding initiated by the division. 17120

(3) "Victim" means a purchaser identified in a final order 17121
that has suffered a pecuniary loss as the result of a violation of 17122
this chapter or any rules adopted thereunder, or, in the case of a 17123
deceased purchaser so identified, the purchaser's surviving spouse 17124
or dependent children. 17125

(B) There is hereby created in the state treasury the Ohio 17126
investor recovery fund, which shall consist of all cash transfers 17127
from the division of securities fund, created in section 1707.37 17128
of the Revised Code, not to exceed an aggregate total of two 17129
million five hundred thousand dollars in any fiscal year. Money in 17130

the Ohio investor recovery fund shall be used for the purposes 17131
identified in division (C) of this section. 17132

(C) The division shall use the Ohio investor recovery fund 17133
only to pay awards of restitution assistance and any expenses 17134
incurred in administering this section. 17135

(D)(1) If the Ohio investor recovery fund is reduced below 17136
two hundred fifty thousand dollars due to payment in full of 17137
restitution assistance awards that become final during a month, 17138
the division shall suspend payment of further claims that become 17139
final during that month and the following two months. 17140

(2) At the end of the suspension period described in division 17141
(D)(1) of this section, the division shall pay the suspended 17142
claims. If the Ohio investor recovery fund would be exhausted by 17143
payment in full of the suspended claims, the amount paid to each 17144
claimant shall be prorated according to the amount remaining in 17145
the Ohio investor recovery fund at the end of the suspension 17146
period. 17147

(E) The state shall not be liable for a determination made by 17148
the division under this section except to the extent that money is 17149
available in the Ohio investor recovery fund on the date the award 17150
is calculated. 17151

(F) The following victims are eligible for restitution 17152
assistance: 17153

(1) A natural person who is a resident of this state; 17154

(2) A person, other than a natural person, that is domiciled 17155
in Ohio. 17156

(G) The division shall not award restitution assistance as 17157
follows: 17158

(1) To more than one claimant per victim; 17159

(2) To a claimant on behalf of a victim that has received the 17160

full amount of restitution owed from the person ordered to pay 17161
restitution to the victim in the final order before the 17162
application for restitution assistance from the fund is filed; 17163

(3) To a claimant if the final order identifies no pecuniary 17164
loss to the victim on whose behalf the application is made; 17165

(4) To a claimant on behalf of a victim that assisted in the 17166
commission of the violation of this chapter; 17167

(5) If the portion of the final order giving rise to a 17168
restitution order or otherwise establishing a pecuniary loss to 17169
the victim is overturned on appeal. 17170

(H) If, after the division has made a restitution assistance 17171
award from the Ohio investor recovery fund under this section, the 17172
restitution award in the final order is overturned on appeal and 17173
all legal remedies have been exhausted, then the claimant shall 17174
forfeit the restitution assistance award. 17175

Sec. 1707.471. (A) A person that is eligible for a 17176
restitution assistance award under section 1707.47 of the Revised 17177
Code may submit an application for restitution assistance to the 17178
division in a manner and form prescribed by the division of 17179
securities. 17180

(B) To receive a restitution assistance award, the claimant 17181
shall submit an application to the division within one hundred 17182
eighty days after the date of the final order. The division may 17183
grant an extension for good cause shown by the claimant. In no 17184
case shall the division accept an application that is received 17185
more than two years after the date of the final order. 17186

(C) The maximum award from the Ohio investor recovery fund 17187
created in section 1707.47 of the Revised Code for each claimant 17188
shall be the lesser of twenty-five thousand dollars or twenty-five 17189
per cent of the amount of monetary injury suffered by the victim 17190

as specified in the final order. 17191

(D) The state is subrogated to the rights of the person 17192
awarded restitution assistance under section 1707.47 of the 17193
Revised Code to the extent of the award. The subrogation rights 17194
are against the person that committed the securities violation or 17195
a person liable for the pecuniary loss. 17196

(E) The state may obtain a lien on the restitution assistance 17197
award in a separation action brought by the state or through state 17198
intervention in an action brought by or on behalf of the victim. 17199

(F)(1) No claimant shall knowingly file or cause to be filed 17200
an application for restitution assistance or documents supporting 17201
the application that contain false, incomplete, or misleading 17202
information in any material respect. 17203

(2) A claimant that violates division (F)(1) of this section 17204
shall forfeit all restitution assistance provided from the fund 17205
and shall be fined not more than ten thousand dollars by the 17206
division. 17207

(3) Notwithstanding section 1707.28 of the Revised Code, a 17208
proceeding to determine whether a violation of division (F)(1) of 17209
this section occurred shall be commenced not later than two years 17210
after the date on which the division discovered the violation or 17211
through reasonable diligence should have discovered the violation, 17212
whichever is earlier. 17213

(G) The division shall adopt rules as necessary to implement 17214
sections 1707.47 and 1707.471 of the Revised Code, including rules 17215
governing the processes for both of the following: 17216

(1) Reviewing applications for restitution assistance awards; 17217

(2) Suspending awards or making a prorated payment of awards 17218
when the fund balance approaches or reaches a balance below two 17219
hundred fifty thousand dollars. 17220

<u>Sec. 1707.49. (A) As used in this section:</u>	17221
<u>(1) "Eligible adult" means either of the following:</u>	17222
<u>(a) A person sixty years of age or older;</u>	17223
<u>(b) A person eligible to receive protective services pursuant</u> <u>to sections 5101.60 to 5101.71 of the Revised Code.</u>	17224 17225
<u>(2) "Financial exploitation" means either of the following:</u>	17226
<u>(a) The wrongful or unauthorized taking, withholding,</u> <u>directing, appropriation, or use of money, assets, or property of</u> <u>an eligible adult;</u>	17227 17228 17229
<u>(b) Any act or omission by a person, including through the</u> <u>use of a power of attorney or guardianship of an eligible adult,</u> <u>to do either of the following:</u>	17230 17231 17232
<u>(i) Obtain control, through deception, intimidation, or undue</u> <u>influence, money, assets, or property of an eligible adult and</u> <u>thereby deprive the eligible adult of the ownership, use, benefit,</u> <u>or possession of the money, assets, or property;</u>	17233 17234 17235 17236
<u>(ii) Convert money, assets, or property of an eligible adult</u> <u>and thereby deprive the eligible adult of the ownership, use,</u> <u>benefit, or possession of the money, assets, or property.</u>	17237 17238 17239
<u>(B) If an employee of a dealer or investment adviser has</u> <u>reasonable cause to believe that an eligible adult who is an</u> <u>account holder may be subject to past, current, or attempted</u> <u>financial exploitation, then both of the following apply:</u>	17240 17241 17242 17243
<u>(1) The employee shall follow any internal written policy,</u> <u>program, plan, or procedure adopted by the dealer or investment</u> <u>adviser for the purpose of establishing protocols for the</u> <u>reporting of past, current, or attempted financial exploitation.</u>	17244 17245 17246 17247
<u>(2) The dealer or investment adviser may place a hold on any</u> <u>transaction impacted by the past, current, or attempted financial</u>	17248 17249

exploitation for a period of time not to exceed fifteen business days. 17250
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(C) A dealer or investment adviser shall report any transactional hold placed pursuant to division (B)(2) of this section, along with a summary of the facts and circumstances leading up to the hold, in writing immediately to the division and the county department of job and family services for the county in which the eligible adult resides. 17252
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(D) A dealer or investment adviser making a report to the division and the county department of job and family services pursuant to division (C) of this section may continue the transactional hold for up to another fifteen business days at the request of an investigating federal or state agency or if the dealer or investment adviser has not heard from either the division or the county department of job and family services within the initial fifteen-day hold period. Nothing in this section shall be construed as limiting a dealer's or investment adviser's ability to seek injunctive relief from a court of competent jurisdiction at any time for any past, current, or attempted financial exploitation. 17258
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(E) Any person participating in good faith in making a report or placing a transactional hold pursuant to this section is immune from any civil or administrative liability arising from the report or hold. 17270
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(F) Any record made available to a state agency under this section shall be considered an investigative record pursuant to division (B) of section 1707.12 of the Revised Code. Any record of a transactional hold, any report relating to the hold, and any notification of the hold shall be maintained by the dealer or investment adviser for not less than five years. 17274
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Sec. 1710.01. As used in this chapter: 17280

(A) "Special improvement district" means a special improvement district organized under this chapter.	17281 17282
(B) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.	17283 17284 17285 17286
(C) "Church property" means property that is described as being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code.	17287 17288 17289 17290 17291
(D) "Municipal executive" means the mayor, city manager, or other chief executive officer of the municipal corporation in which a special improvement district is located.	17292 17293 17294
(E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.	17295 17296 17297 17298
(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.	17299 17300 17301
(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project or shoreline improvement project.	17302 17303 17304 17305 17306 17307
(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.	17308 17309 17310

(I) "Special energy improvement project" means any property, 17311
device, structure, or equipment necessary for the acquisition, 17312
installation, equipping, and improvement of any real or personal 17313
property used for the purpose of creating a solar photovoltaic 17314
project, a solar thermal energy project, a geothermal energy 17315
project, a customer-generated energy project, or an energy 17316
efficiency improvement, whether such real or personal property is 17317
publicly or privately owned. 17318

(J) "Existing qualified nonprofit corporation" means a 17319
nonprofit corporation that existed before the creation of the 17320
corresponding district under this chapter, that is composed of 17321
members located within or adjacent to the district, that has 17322
established a police department under section 1702.80 of the 17323
Revised Code, and that is organized for purposes that include 17324
acquisition of real property within an area specified by its 17325
articles for the subsequent transfer of such property to its 17326
members exclusively for charitable, scientific, literary, or 17327
educational purposes, or holding and maintaining and leasing such 17328
property; planning for and assisting in the development of its 17329
members; providing for the relief of the poor and distressed or 17330
underprivileged in the area and adjacent areas; combating 17331
community deterioration and lessening the burdens of government; 17332
providing or assisting others in providing housing for low- or 17333
moderate-income persons; and assisting its members by the 17334
provision of public safety and security services, parking 17335
facilities, transit service, landscaping, and parks. 17336

(K) "Energy efficiency improvement" means energy efficiency 17337
technologies, products, and activities that reduce or support the 17338
reduction of energy consumption, allow for the reduction in 17339
demand, or support the production of clean, renewable energy and 17340
that are or will be permanently fixed to real property. 17341

(L) "Customer-generated energy project" means a wind, 17342

biomass, or gasification facility for the production of 17343
electricity that meets either of the following requirements: 17344

(1) The facility is designed to have a generating capacity of 17345
two hundred fifty kilowatts of electricity or less. 17346

(2) The facility is: 17347

(a) Designed to have a generating capacity of more than two 17348
hundred fifty kilowatts of electricity; 17349

(b) Operated in parallel with electric transmission and 17350
distribution facilities serving the real property at the site of 17351
the customer-generated energy project; 17352

(c) Intended primarily to offset part or all of the facility 17353
owner's requirements for electricity at the site of the 17354
customer-generated energy project and is located on the facility 17355
owner's real property; and 17356

(d) Not producing energy for direct sale by the facility 17357
owner to the public. 17358

(M) "Reduction in demand" means a change in customer behavior 17359
or a change in customer-owned or operated assets that reduces or 17360
has the capability to reduce the demand for electricity as a 17361
result of price signals or other incentives. 17362

(N) "Electric distribution utility" and "mercantile customer" 17363
have the same meanings as in section 4928.01 of the Revised Code. 17364

(O) "Shoreline improvement project" means acquiring, 17365
constructing, installing, equipping, improving, maintaining, or 17366
repairing real or tangible personal property necessary or useful 17367
for making improvements to abate erosion along either the Lake 17368
Erie shoreline or any water resource. 17369

(P) "Water resource" has the same meaning as in section 17370
6105.01 of the Revised Code. 17371

Sec. 1733.321. All fees, charges, and forfeitures collected 17372
under this chapter shall be paid to the superintendent of 17373
financial institutions, who shall deposit them into the state 17374
treasury to the credit of the credit unions fund, which is hereby 17375
established, and may be expended or obligated by the 17376
superintendent for the defrayment of the costs of regulation of 17377
credit unions. All actual and necessary expenses incurred by the 17378
superintendent, including any services rendered by the department 17379
of commerce for the benefit of credit unions, shall be paid from 17380
the fund. The fund shall be assessed a proportionate share of the 17381
administrative costs of the department of commerce and the 17382
division of financial institutions. The proportionate share of the 17383
administrative costs of the division of financial institutions 17384
shall be determined in accordance with procedures prescribed by 17385
the superintendent ~~and approved by the director of budget and~~ 17386
~~management~~. Such assessment shall be paid from the credit unions 17387
fund to the division of administration fund or the financial 17388
institutions fund. 17389

Sec. 1907.15. (A)(1) In counties having more than one county 17390
court judge, ~~subject to division (A)(2) of this section,~~ the 17391
presiding judge of the county court may divide the county court 17392
district into areas of separate jurisdiction and may designate the 17393
location at which each judge shall hold court. Except in county 17394
court districts exceeding one hundred twenty thousand population, 17395
each area of separate jurisdiction shall be made up of one or more 17396
townships. In assigning areas of separate jurisdiction, the 17397
presiding judge shall make each area of separate jurisdiction as 17398
equal in population and case load to others in the district as is 17399
possible under existing conditions. 17400

Whenever the territory of a county court district is reduced 17401
by the territorial expansion of municipal court jurisdiction, the 17402

presiding judge may redetermine areas of separate jurisdiction 17403
and, if necessary, reassign areas so as to make each area of 17404
separate jurisdiction as equal in population and case load to 17405
others in the district as is possible under the altered 17406
conditions. 17407

In county court districts exceeding one hundred twenty 17408
thousand population, ~~subject to division (A)(2) of this section,~~ 17409
the presiding judge of the county court may assign more than one 17410
county court judge to an area of separate jurisdiction. In any 17411
county court district of that nature, ~~subject to division (A)(2)~~ 17412
~~of this section,~~ the presiding judge from time to time may assign 17413
a judge from one area of separate jurisdiction to another area of 17414
separate jurisdiction and redetermine and reassign areas of 17415
separate jurisdiction. Upon that redetermination and reassignment, 17416
the presiding judge shall consider, in addition to population, the 17417
case load of each area of separate jurisdiction. 17418

(2) ~~The presiding judge of the county court of Jefferson~~ 17419
~~county shall determine areas of separate jurisdiction for the~~ 17420
~~judges of the Jefferson county county court in the manner~~ 17421
~~described in division (A)(1) of this section but subject to the~~ 17422
~~provisions of this division governing the location in which each~~ 17423
~~judge shall hold court. The judge of the Jefferson county county~~ 17424
~~court whose term commences January 1, 1993, and that judge's~~ 17425
~~successors, shall hold court in Wintersville or Cross Creek~~ 17426
~~township. The judge of the Jefferson county county court whose~~ 17427
~~term commences January 1, 1995, and that judge's successors, shall~~ 17428
~~hold court in Dillonvale. The judge of the Jefferson county county~~ 17429
~~court whose term commences January 2, 1995, and that judge's~~ 17430
~~successors, shall hold court in Toronto.~~ 17431

(3) In counties having only one county court judge, the area 17432
of jurisdiction shall consist of the entire county court district, 17433
and the county court judge, with the concurrence of the board of 17434

county commissioners, shall designate the location at which the judge shall hold court. 17435
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(B) The jurisdiction of each county court judge shall be coextensive with the boundaries of the county court district. 17437
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Sec. 2133.01. Unless the context otherwise requires, as used in sections 2133.01 to 2133.15 of the Revised Code: 17439
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(A) "Adult" means an individual who is eighteen years of age or older. 17441
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(B) "Attending physician" means the physician to whom a declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility. 17443
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(C) "Comfort care" means any of the following: 17449

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 17450
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(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 17453
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(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death. 17456
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(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of 17460
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this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards. 17465
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(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code. 17467
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(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code. 17470
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(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code. 17472
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(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent. 17475
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(I) "Health care facility" means any of the following: 17478

(1) A hospital; 17479

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state; 17480
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(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code; 17483
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(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency; 17485
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(5) An intermediate care facility for individuals with intellectual disabilities. 17488
17489

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending 17490
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physician, and administrators of health care facilities.	17495
(K) "Home health agency" has the same meaning as in section	17496
3701.881 <u>3740.01</u> of the Revised Code.	17497
(L) "Hospice care program" and "pediatric respite care	17498
program" have the same meanings as in section 3712.01 of the	17499
Revised Code.	17500
(M) "Hospital" has the same meanings as in sections 3701.01,	17501
3727.01, and 5122.01 of the Revised Code.	17502
(N) "Hydration" means fluids that are artificially or	17503
technologically administered.	17504
(O) "Incompetent" has the same meaning as in section 2111.01	17505
of the Revised Code.	17506
(P) "Intermediate care facility for the individuals with	17507
intellectual disabilities" has the same meaning as in section	17508
5124.01 of the Revised Code.	17509
(Q) "Life-sustaining treatment" means any medical procedure,	17510
treatment, intervention, or other measure that, when administered	17511
to a qualified patient or other patient, will serve principally to	17512
prolong the process of dying.	17513
(R) "Nurse" means a person who is licensed to practice	17514
nursing as a registered nurse or to practice practical nursing as	17515
a licensed practical nurse pursuant to Chapter 4723. of the	17516
Revised Code.	17517
(S) "Nursing home" has the same meaning as in section 3721.01	17518
of the Revised Code.	17519
(T) "Nutrition" means sustenance that is artificially or	17520
technologically administered.	17521
(U) "Permanently unconscious state" means a state of	17522
permanent unconsciousness in a declarant or other patient that, to	17523
a reasonable degree of medical certainty as determined in	17524

accordance with reasonable medical standards by the declarant's or 17525
other patient's attending physician and one other physician who 17526
has examined the declarant or other patient, is characterized by 17527
both of the following: 17528

(1) Irreversible unawareness of one's being and environment. 17529

(2) Total loss of cerebral cortical functioning, resulting in 17530
the declarant or other patient having no capacity to experience 17531
pain or suffering. 17532

(V) "Person" has the same meaning as in section 1.59 of the 17533
Revised Code and additionally includes political subdivisions and 17534
governmental agencies, boards, commissions, departments, 17535
institutions, offices, and other instrumentalities. 17536

(W) "Physician" means a person who is authorized under 17537
Chapter 4731. of the Revised Code to practice medicine and surgery 17538
or osteopathic medicine and surgery. 17539

(X) "Political subdivision" and "state" have the same 17540
meanings as in section 2744.01 of the Revised Code. 17541

(Y) "Professional disciplinary action" means action taken by 17542
the board or other entity that regulates the professional conduct 17543
of health care personnel, including the state medical board and 17544
the board of nursing. 17545

(Z) "Qualified patient" means an adult who has executed a 17546
declaration and has been determined to be in a terminal condition 17547
or in a permanently unconscious state. 17548

(AA) "Terminal condition" means an irreversible, incurable, 17549
and untreatable condition caused by disease, illness, or injury 17550
from which, to a reasonable degree of medical certainty as 17551
determined in accordance with reasonable medical standards by a 17552
declarant's or other patient's attending physician and one other 17553
physician who has examined the declarant or other patient, both of 17554

the following apply:	17555
(1) There can be no recovery.	17556
(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.	17557 17558
(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.	17559 17560 17561 17562
Sec. 2151.011. (A) As used in the Revised Code:	17563
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	17564 17565 17566
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	17567 17568 17569 17570 17571
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	17572 17573 17574 17575
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	17576 17577
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	17578 17579
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for	17580 17581 17582 17583

either foster care or adoption. 17584

(4) "Private noncustodial agency" means any person, 17585
organization, association, or society certified by the department 17586
of job and family services that does not accept temporary or 17587
permanent legal custody of children, that is privately operated in 17588
this state, and that does one or more of the following: 17589

(a) Receives and cares for children for two or more 17590
consecutive weeks; 17591

(b) Participates in the placement of children in certified 17592
foster homes; 17593

(c) Provides adoption services in conjunction with a public 17594
children services agency or private child placing agency. 17595

(B) As used in this chapter: 17596

(1) "Adequate parental care" means the provision by a child's 17597
parent or parents, guardian, or custodian of adequate food, 17598
clothing, and shelter to ensure the child's health and physical 17599
safety and the provision by a child's parent or parents of 17600
specialized services warranted by the child's physical or mental 17601
needs. 17602

(2) "Adult" means an individual who is eighteen years of age 17603
or older. 17604

(3) "Agreement for temporary custody" means a voluntary 17605
agreement authorized by section 5103.15 of the Revised Code that 17606
transfers the temporary custody of a child to a public children 17607
services agency or a private child placing agency. 17608

(4) "Alternative response" means the public children services 17609
agency's response to a report of child abuse or neglect that 17610
engages the family in a comprehensive evaluation of child safety, 17611
risk of subsequent harm, and family strengths and needs and that 17612
does not include a determination as to whether child abuse or 17613

neglect occurred. 17614

(5) "Certified foster home" means a foster home, as defined 17615
in section 5103.02 of the Revised Code, certified under section 17616
5103.03 of the Revised Code. 17617

(6) "Child" means a person who is under eighteen years of 17618
age, except that the juvenile court has jurisdiction over any 17619
person who is adjudicated an unruly child prior to attaining 17620
eighteen years of age until the person attains twenty-one years of 17621
age, and, for purposes of that jurisdiction related to that 17622
adjudication, a person who is so adjudicated an unruly child shall 17623
be deemed a "child" until the person attains twenty-one years of 17624
age. 17625

(7) "Child day camp," "child care," "child day-care center," 17626
"part-time child day-care center," "type A family day-care home," 17627
"licensed type B family day-care home," "type B family day-care 17628
home," "administrator of a child day-care center," "administrator 17629
of a type A family day-care home," and "in-home aide" have the 17630
same meanings as in section 5104.01 of the Revised Code. 17631

(8) "Child care provider" means an individual who is a 17632
child-care staff member or administrator of a child day-care 17633
center, a type A family day-care home, or a type B family day-care 17634
home, or an in-home aide or an individual who is licensed, is 17635
regulated, is approved, operates under the direction of, or 17636
otherwise is certified by the department of job and family 17637
services, department of developmental disabilities, or the early 17638
childhood programs of the department of education. 17639

(9) "Commit" means to vest custody as ordered by the court. 17640

(10) "Counseling" includes both of the following: 17641

(a) General counseling services performed by a public 17642
children services agency or shelter for victims of domestic 17643
violence to assist a child, a child's parents, and a child's 17644

siblings in alleviating identified problems that may cause or have 17645
caused the child to be an abused, neglected, or dependent child. 17646

(b) Psychiatric or psychological therapeutic counseling 17647
services provided to correct or alleviate any mental or emotional 17648
illness or disorder and performed by a licensed psychiatrist, 17649
licensed psychologist, or a person licensed under Chapter 4757. of 17650
the Revised Code to engage in social work or professional 17651
counseling. 17652

(11) "Custodian" means a person who has legal custody of a 17653
child or a public children services agency or private child 17654
placing agency that has permanent, temporary, or legal custody of 17655
a child. 17656

(12) "Delinquent child" has the same meaning as in section 17657
2152.02 of the Revised Code. 17658

(13) "Detention" means the temporary care of children pending 17659
court adjudication or disposition, or execution of a court order, 17660
in a public or private facility designed to physically restrict 17661
the movement and activities of children. 17662

(14) "Developmental disability" has the same meaning as in 17663
section 5123.01 of the Revised Code. 17664

(15) "Differential response approach" means an approach that 17665
a public children services agency may use to respond to accepted 17666
reports of child abuse or neglect with either an alternative 17667
response or a traditional response. 17668

(16) "Foster caregiver" has the same meaning as in section 17669
5103.02 of the Revised Code. 17670

(17) "Guardian" means a person, association, or corporation 17671
that is granted authority by a probate court pursuant to Chapter 17672
2111. of the Revised Code to exercise parental rights over a child 17673
to the extent provided in the court's order and subject to the 17674

residual parental rights of the child's parents. 17675

(18) "Habitual truant" means any child of compulsory school 17676
age who is absent without legitimate excuse for absence from the 17677
public school the child is supposed to attend for thirty or more 17678
consecutive hours, forty-two or more hours in one school month, or 17679
seventy-two or more hours in a school year. 17680

(19) "Intellectual disability" has the same meaning as in 17681
section 5123.01 of the Revised Code. 17682

(20) "Juvenile traffic offender" has the same meaning as in 17683
section 2152.02 of the Revised Code. 17684

(21) "Legal custody" means a legal status that vests in the 17685
custodian the right to have physical care and control of the child 17686
and to determine where and with whom the child shall live, and the 17687
right and duty to protect, train, and discipline the child and to 17688
provide the child with food, shelter, education, and medical care, 17689
all subject to any residual parental rights, privileges, and 17690
responsibilities. An individual granted legal custody shall 17691
exercise the rights and responsibilities personally unless 17692
otherwise authorized by any section of the Revised Code or by the 17693
court. 17694

(22) A "legitimate excuse for absence from the public school 17695
the child is supposed to attend" includes, but is not limited to, 17696
any of the following: 17697

(a) The fact that the child in question has enrolled in and 17698
is attending another public or nonpublic school in this or another 17699
state; 17700

(b) The fact that the child in question is excused from 17701
attendance at school for any of the reasons specified in section 17702
3321.04 of the Revised Code; 17703

(c) The fact that the child in question has received an age 17704

and schooling certificate in accordance with section 3331.01 of 17705
the Revised Code. 17706

(23) "Mental illness" has the same meaning as in section 17707
5122.01 of the Revised Code. 17708

(24) "Mental injury" means any behavioral, cognitive, 17709
emotional, or mental disorder in a child caused by an act or 17710
omission that is described in section 2919.22 of the Revised Code 17711
and is committed by the parent or other person responsible for the 17712
child's care. 17713

(25) "Nonsecure care, supervision, or training" means care, 17714
supervision, or training of a child in a facility that does not 17715
confine or prevent movement of the child within the facility or 17716
from the facility. 17717

(26) "Of compulsory school age" has the same meaning as in 17718
section 3321.01 of the Revised Code. 17719

(27) "Organization" means any institution, public, 17720
semipublic, or private, and any private association, society, or 17721
agency located or operating in the state, incorporated or 17722
unincorporated, having among its functions the furnishing of 17723
protective services or care for children, or the placement of 17724
children in certified foster homes or elsewhere. 17725

(28) "Out-of-home care" means detention facilities, shelter 17726
facilities, certified children's crisis care facilities, certified 17727
foster homes, placement in a prospective adoptive home prior to 17728
the issuance of a final decree of adoption, organizations, 17729
certified organizations, child day-care centers, type A family 17730
day-care homes, type B family day-care homes, child care provided 17731
by in-home aides, group home providers, group homes, institutions, 17732
state institutions, residential facilities, residential care 17733
facilities, residential camps, day camps, private, nonprofit 17734
therapeutic wilderness camps, public schools, chartered nonpublic 17735

schools, educational service centers, hospitals, and medical 17736
clinics that are responsible for the care, physical custody, or 17737
control of children. 17738

(29) "Out-of-home care child abuse" means any of the 17739
following when committed by a person responsible for the care of a 17740
child in out-of-home care: 17741

(a) Engaging in sexual activity with a child in the person's 17742
care; 17743

(b) Denial to a child, as a means of punishment, of proper or 17744
necessary subsistence, education, medical care, or other care 17745
necessary for a child's health; 17746

(c) Use of restraint procedures on a child that cause injury 17747
or pain; 17748

(d) Administration of prescription drugs or psychotropic 17749
medication to the child without the written approval and ongoing 17750
supervision of a licensed physician; 17751

(e) Commission of any act, other than by accidental means, 17752
that results in any injury to or death of the child in out-of-home 17753
care or commission of any act by accidental means that results in 17754
an injury to or death of a child in out-of-home care and that is 17755
at variance with the history given of the injury or death. 17756

(30) "Out-of-home care child neglect" means any of the 17757
following when committed by a person responsible for the care of a 17758
child in out-of-home care: 17759

(a) Failure to provide reasonable supervision according to 17760
the standards of care appropriate to the age, mental and physical 17761
condition, or other special needs of the child; 17762

(b) Failure to provide reasonable supervision according to 17763
the standards of care appropriate to the age, mental and physical 17764
condition, or other special needs of the child, that results in 17765

sexual or physical abuse of the child by any person;	17766
(c) Failure to develop a process for all of the following:	17767
(i) Administration of prescription drugs or psychotropic drugs for the child;	17768 17769
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	17770 17771
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	17772 17773 17774
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	17775 17776 17777
(e) Confinement of the child to a locked room without monitoring by staff;	17778 17779
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	17780 17781
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	17782 17783 17784
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	17785 17786 17787 17788 17789 17790
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	17791 17792 17793 17794 17795

(33) "Person" means an individual, association, corporation,	17796
or partnership and the state or any of its political subdivisions,	17797
departments, or agencies.	17798
(34) "Person responsible for a child's care in out-of-home	17799
care" means any of the following:	17800
(a) Any foster caregiver, in-home aide, or provider;	17801
(b) Any administrator, employee, or agent of any of the	17802
following: a public or private detention facility; shelter	17803
facility; certified children's crisis care facility; organization;	17804
certified organization; child day-care center; type A family	17805
day-care home; licensed type B family day-care home; group home;	17806
institution; state institution; residential facility; residential	17807
care facility; residential camp; day camp; school district;	17808
community school; chartered nonpublic school; educational service	17809
center; hospital; or medical clinic;	17810
(c) Any person who supervises or coaches children as part of	17811
an extracurricular activity sponsored by a school district, public	17812
school, or chartered nonpublic school;	17813
(d) Any other person who performs a similar function with	17814
respect to, or has a similar relationship to, children.	17815
(35) "Physical impairment" means having one or more of the	17816
following conditions that substantially limit one or more of an	17817
individual's major life activities, including self-care, receptive	17818
and expressive language, learning, mobility, and self-direction:	17819
(a) A substantial impairment of vision, speech, or hearing;	17820
(b) A congenital orthopedic impairment;	17821
(c) An orthopedic impairment caused by disease, rheumatic	17822
fever or any other similar chronic or acute health problem, or	17823
amputation or another similar cause.	17824
(36) "Placement for adoption" means the arrangement by a	17825

public children services agency or a private child placing agency 17826
with a person for the care and adoption by that person of a child 17827
of whom the agency has permanent custody. 17828

(37) "Placement in foster care" means the arrangement by a 17829
public children services agency or a private child placing agency 17830
for the out-of-home care of a child of whom the agency has 17831
temporary custody or permanent custody. 17832

(38) "Planned permanent living arrangement" means an order of 17833
a juvenile court pursuant to which both of the following apply: 17834

(a) The court gives legal custody of a child to a public 17835
children services agency or a private child placing agency without 17836
the termination of parental rights. 17837

(b) The order permits the agency to make an appropriate 17838
placement of the child and to enter into a written agreement with 17839
a foster care provider or with another person or agency with whom 17840
the child is placed. 17841

(39) "Practice of social work" and "practice of professional 17842
counseling" have the same meanings as in section 4757.01 of the 17843
Revised Code. 17844

(40) "Private, nonprofit therapeutic wilderness camp" has the 17845
same meaning as in section 5103.02 of the Revised Code. 17846

(41) "Sanction, service, or condition" means a sanction, 17847
service, or condition created by court order following an 17848
adjudication that a child is an unruly child that is described in 17849
division (A)(4) of section 2152.19 of the Revised Code. 17850

(42) "Protective supervision" means an order of disposition 17851
pursuant to which the court permits an abused, neglected, 17852
dependent, or unruly child to remain in the custody of the child's 17853
parents, guardian, or custodian and stay in the child's home, 17854
subject to any conditions and limitations upon the child, the 17855

child's parents, guardian, or custodian, or any other person that 17856
the court prescribes, including supervision as directed by the 17857
court for the protection of the child. 17858

(43) "Psychiatrist" has the same meaning as in section 17859
5122.01 of the Revised Code. 17860

(44) "Psychologist" has the same meaning as in section 17861
4732.01 of the Revised Code. 17862

(45) "Resource caregiver" has the same meaning as in section 17863
5103.02 of the Revised Code. 17864

(46) "Resource family" has the same meaning as in section 17865
5103.02 of the Revised Code. 17866

(47) "Residential camp" means a program in which the care, 17867
physical custody, or control of children is accepted overnight for 17868
recreational or recreational and educational purposes. 17869

~~(46)~~(48) "Residential care facility" means an institution, 17870
residence, or facility that is licensed by the department of 17871
mental health and addiction services under section 5119.34 of the 17872
Revised Code and that provides care for a child. 17873

~~(47)~~(49) "Residential facility" means a home or facility that 17874
is licensed by the department of developmental disabilities under 17875
section 5123.19 of the Revised Code and in which a child with a 17876
developmental disability resides. 17877

~~(48)~~(50) "Residual parental rights, privileges, and 17878
responsibilities" means those rights, privileges, and 17879
responsibilities remaining with the natural parent after the 17880
transfer of legal custody of the child, including, but not 17881
necessarily limited to, the privilege of reasonable visitation, 17882
consent to adoption, the privilege to determine the child's 17883
religious affiliation, and the responsibility for support. 17884

~~(49)~~(51) "School day" means the school day established by the 17885

board of education of the applicable school district pursuant to 17886
section 3313.481 of the Revised Code. 17887

~~(50)~~(52) "School year" has the same meaning as in section 17888
3313.62 of the Revised Code. 17889

~~(51)~~(53) "Secure correctional facility" means a facility 17890
under the direction of the department of youth services that is 17891
designed to physically restrict the movement and activities of 17892
children and used for the placement of children after adjudication 17893
and disposition. 17894

~~(52)~~(54) "Sexual activity" has the same meaning as in section 17895
2907.01 of the Revised Code. 17896

~~(53)~~(55) "Shelter" means the temporary care of children in 17897
physically unrestricted facilities pending court adjudication or 17898
disposition. 17899

~~(54)~~(56) "Shelter for victims of domestic violence" has the 17900
same meaning as in section 3113.33 of the Revised Code. 17901

~~(55)~~(57) "Temporary custody" means legal custody of a child 17902
who is removed from the child's home, which custody may be 17903
terminated at any time at the discretion of the court or, if the 17904
legal custody is granted in an agreement for temporary custody, by 17905
the person who executed the agreement. 17906

~~(56)~~(58) "Traditional response" means a public children 17907
services agency's response to a report of child abuse or neglect 17908
that encourages engagement of the family in a comprehensive 17909
evaluation of the child's current and future safety needs and a 17910
fact-finding process to determine whether child abuse or neglect 17911
occurred and the circumstances surrounding the alleged harm or 17912
risk of harm. 17913

(C) For the purposes of this chapter, a child shall be 17914
presumed abandoned when the parents of the child have failed to 17915

visit or maintain contact with the child for more than ninety 17916
days, regardless of whether the parents resume contact with the 17917
child after that period of ninety days. 17918

Sec. 2151.152. The juvenile judge may enter into an agreement 17919
with the department of job and family services pursuant to section 17920
5101.11 of the Revised Code for the purpose of reimbursing the 17921
court for foster care maintenance costs ~~and~~, associated 17922
administrative and training costs, and prevention services costs 17923
under the "Family First Prevention Services Act," Public Law 17924
115-123, incurred on behalf of a child who is ~~either~~any of the 17925
following: 17926

(A) Eligible for payments under Title IV-E of the "Social 17927
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 17928
the temporary or permanent custody of the court or subject to a 17929
disposition issued under division (A)(5) of section 2151.354 or 17930
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 17931
Code; 17932

(B) Determined to be at serious risk of removal from the home 17933
and for whom the court has undertaken a plan of reasonable efforts 17934
to prevent such removal-; 17935

(C) At imminent risk of removal from the home and is a 17936
sibling of a child in the temporary or permanent custody of the 17937
court. 17938

The agreement shall govern the responsibilities and duties 17939
the court shall perform in providing services to the child. 17940

Sec. 2151.316. (A) The department of job and family services 17941
shall adopt rules in accordance with Chapter 119. of the Revised 17942
Code to establish and enforce a foster youth bill of rights for 17943
individuals who are in the temporary or permanent custody of a 17944
public children services agency or a planned permanent living 17945

arrangement or in the Title IV-E eligible care and placement 17946
responsibility of a juvenile court or other governmental agency 17947
that provides Title IV-E reimbursable placement services and who 17948
are subject to out-of-home care or placed with a kinship caregiver 17949
as defined in section 5101.85 of the Revised Code. 17950

(B) If the rights of an individual, as established under 17951
division (A) of this section, conflict with the rights of a 17952
resource family or resource caregiver, as established in section 17953
5103.163 of the Revised Code, the rights of the individual shall 17954
preempt the rights of the resource family or resource caregiver. 17955

(C) The rights established by rules under this section shall 17956
not create grounds for a civil action against the department, the 17957
recommending agency, or the custodial agency. 17958

Sec. 2151.412. (A) Each public children services agency and 17959
private child placing agency shall prepare and maintain a case 17960
plan for any child to whom the agency is providing services and to 17961
whom any of the following applies: 17962

(1) The agency filed a complaint pursuant to section 2151.27 17963
of the Revised Code alleging that the child is an abused, 17964
neglected, or dependent child; 17965

(2) The agency has temporary or permanent custody of the 17966
child; 17967

(3) The child is living at home subject to an order for 17968
protective supervision; 17969

(4) The child is in a planned permanent living arrangement. 17970

Except as provided by division (A)(2) of section 5103.153 of 17971
the Revised Code, a private child placing agency providing 17972
services to a child who is the subject of a voluntary permanent 17973
custody surrender agreement entered into under division (B)(2) of 17974

section 5103.15 of the Revised Code is not required to prepare and 17975
maintain a case plan for that child. 17976

(B) Each public children services agency shall prepare and 17977
maintain a case plan ~~or a family service plan~~ for any child for 17978
whom the agency is providing in-home services pursuant to an 17979
alternative response. 17980

(C)(1) The director of job and family services shall adopt 17981
rules pursuant to Chapter 119. of the Revised Code setting forth 17982
the content and format of case plans required by division (A) of 17983
this section and establishing procedures for developing, 17984
implementing, and changing the case plans. The rules shall at a 17985
minimum comply with the requirements of Title IV-E of the "Social 17986
Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as~~ 17987
~~amended.~~ 17988

(2) The director of job and family services shall adopt rules 17989
pursuant to Chapter 119. of the Revised Code requiring public 17990
children services agencies and private child placing agencies to 17991
maintain case plans for children and their families who are 17992
receiving services in their homes from the agencies and for whom 17993
case plans are not required by division (A) of this section. The 17994
rules for public children services agencies shall include the 17995
requirements for case plans ~~or family service plans~~ maintained for 17996
children and their families who are receiving services in their 17997
homes from public children services agencies pursuant to an 17998
alternative response. The agencies shall maintain case plans ~~and~~ 17999
~~family service plans~~ as required by those rules; however, the case 18000
plans ~~and family service plans~~ shall not be subject to any other 18001
provision of this section except as specifically required by the 18002
rules. 18003

(D) Each public children services agency and private child 18004
placing agency that is required by division (A) of this section to 18005
maintain a case plan shall file the case plan with the court prior 18006

to the child's adjudicatory hearing but no later than thirty days 18007
after the earlier of the date on which the complaint in the case 18008
was filed or the child was first placed into shelter care. If the 18009
agency does not have sufficient information prior to the 18010
adjudicatory hearing to complete any part of the case plan, the 18011
agency shall specify in the case plan the additional information 18012
necessary to complete each part of the case plan and the steps 18013
that will be taken to obtain that information. All parts of the 18014
case plan shall be completed by the earlier of thirty days after 18015
the adjudicatory hearing or the date of the dispositional hearing 18016
for the child. 18017

(E) Any agency that is required by division (A) of this 18018
section to prepare a case plan shall attempt to obtain an 18019
agreement among all parties, including, but not limited to, the 18020
parents, guardian, or custodian of the child and the guardian ad 18021
litem of the child regarding the content of the case plan. If all 18022
parties agree to the content of the case plan and the court 18023
approves it, the court shall journalize it as part of its 18024
dispositional order. If the agency cannot obtain an agreement upon 18025
the contents of the case plan or the court does not approve it, 18026
the parties shall present evidence on the contents of the case 18027
plan at the dispositional hearing. The court, based upon the 18028
evidence presented at the dispositional hearing and the best 18029
interest of the child, shall determine the contents of the case 18030
plan and journalize it as part of the dispositional order for the 18031
child. 18032

(F)(1) All parties, including the parents, guardian, or 18033
custodian of the child, are bound by the terms of the journalized 18034
case plan. A party that fails to comply with the terms of the 18035
journalized case plan may be held in contempt of court. 18036

(2) Any party may propose a change to a substantive part of 18037
the case plan, including, but not limited to, the child's 18038

placement and the visitation rights of any party. A party 18039
proposing a change to the case plan shall file the proposed change 18040
with the court and give notice of the proposed change in writing 18041
before the end of the day after the day of filing it to all 18042
parties and the child's guardian ad litem. All parties and the 18043
guardian ad litem shall have seven days from the date the notice 18044
is sent to object to and request a hearing on the proposed change. 18045

(a) If it receives a timely request for a hearing, the court 18046
shall schedule a hearing pursuant to section 2151.417 of the 18047
Revised Code to be held no later than thirty days after the 18048
request is received by the court. The court shall give notice of 18049
the date, time, and location of the hearing to all parties and the 18050
guardian ad litem. The agency may implement the proposed change 18051
after the hearing, if the court approves it. The agency shall not 18052
implement the proposed change unless it is approved by the court. 18053

(b) If it does not receive a timely request for a hearing, 18054
the court may approve the proposed change without a hearing. If 18055
the court approves the proposed change without a hearing, it shall 18056
journalize the case plan with the change not later than fourteen 18057
days after the change is filed with the court. If the court does 18058
not approve the proposed change to the case plan, it shall 18059
schedule a hearing to be held pursuant to section 2151.417 of the 18060
Revised Code no later than thirty days after the expiration of the 18061
fourteen-day time period and give notice of the date, time, and 18062
location of the hearing to all parties and the guardian ad litem 18063
of the child. If, despite the requirements of division (F)(2) of 18064
this section, the court neither approves and journalizes the 18065
proposed change nor conducts a hearing, the agency may implement 18066
the proposed change not earlier than fifteen days after it is 18067
submitted to the court. 18068

(3) If an agency has reasonable cause to believe that a child 18069
is suffering from illness or injury and is not receiving proper 18070

care and that an appropriate change in the child's case plan is 18071
necessary to prevent immediate or threatened physical or emotional 18072
harm, to believe that a child is in immediate danger from the 18073
child's surroundings and that an immediate change in the child's 18074
case plan is necessary to prevent immediate or threatened physical 18075
or emotional harm to the child, or to believe that a parent, 18076
guardian, custodian, or other member of the child's household has 18077
abused or neglected the child and that the child is in danger of 18078
immediate or threatened physical or emotional harm from that 18079
person unless the agency makes an appropriate change in the 18080
child's case plan, it may implement the change without prior 18081
agreement or a court hearing and, before the end of the next day 18082
after the change is made, give all parties, the guardian ad litem 18083
of the child, and the court notice of the change. Before the end 18084
of the third day after implementing the change in the case plan, 18085
the agency shall file a statement of the change with the court and 18086
give notice of the filing accompanied by a copy of the statement 18087
to all parties and the guardian ad litem. All parties and the 18088
guardian ad litem shall have ten days from the date the notice is 18089
sent to object to and request a hearing on the change. 18090

(a) If it receives a timely request for a hearing, the court 18091
shall schedule a hearing pursuant to section 2151.417 of the 18092
Revised Code to be held no later than thirty days after the 18093
request is received by the court. The court shall give notice of 18094
the date, time, and location of the hearing to all parties and the 18095
guardian ad litem. The agency shall continue to administer the 18096
case plan with the change after the hearing, if the court approves 18097
the change. If the court does not approve the change, the court 18098
shall make appropriate changes to the case plan and shall 18099
journalize the case plan. 18100

(b) If it does not receive a timely request for a hearing, 18101
the court may approve the change without a hearing. If the court 18102

approves the change without a hearing, it shall journalize the 18103
case plan with the change within fourteen days after receipt of 18104
the change. If the court does not approve the change to the case 18105
plan, it shall schedule a hearing under section 2151.417 of the 18106
Revised Code to be held no later than thirty days after the 18107
expiration of the fourteen-day time period and give notice of the 18108
date, time, and location of the hearing to all parties and the 18109
guardian ad litem of the child. 18110

(G)(1) All case plans for children in temporary custody shall 18111
have the following general goals: 18112

(a) Consistent with the best interest and special needs of 18113
the child, to achieve a safe out-of-home placement in the least 18114
restrictive, most family-like setting available and in close 18115
proximity to the home from which the child was removed or the home 18116
in which the child will be permanently placed; 18117

(b) To eliminate with all due speed the need for the 18118
out-of-home placement so that the child can safely return home. 18119

(2) The director of job and family services shall adopt rules 18120
pursuant to Chapter 119. of the Revised Code setting forth the 18121
general goals of case plans for children subject to dispositional 18122
orders for protective supervision, a planned permanent living 18123
arrangement, or permanent custody. 18124

(H) In the agency's development of a case plan and the 18125
court's review of the case plan, the child's health and safety 18126
shall be the paramount concern. The agency and the court shall be 18127
guided by the following general priorities: 18128

(1) A child who is residing with or can be placed with the 18129
child's parents within a reasonable time should remain in their 18130
legal custody even if an order of protective supervision is 18131
required for a reasonable period of time; 18132

(2) If both parents of the child have abandoned the child, 18133

have relinquished custody of the child, have become incapable of 18134
supporting or caring for the child even with reasonable 18135
assistance, or have a detrimental effect on the health, safety, 18136
and best interest of the child, the child should be placed in the 18137
legal custody of a suitable member of the child's extended family; 18138

(3) If a child described in division (H)(2) of this section 18139
has no suitable member of the child's extended family to accept 18140
legal custody, the child should be placed in the legal custody of 18141
a suitable nonrelative who shall be made a party to the 18142
proceedings after being given legal custody of the child; 18143

(4) If the child has no suitable member of the child's 18144
extended family to accept legal custody of the child and no 18145
suitable nonrelative is available to accept legal custody of the 18146
child and, if the child temporarily cannot or should not be placed 18147
with the child's parents, guardian, or custodian, the child should 18148
be placed in the temporary custody of a public children services 18149
agency or a private child placing agency; 18150

(5) If the child cannot be placed with either of the child's 18151
parents within a reasonable period of time or should not be placed 18152
with either, if no suitable member of the child's extended family 18153
or suitable nonrelative is available to accept legal custody of 18154
the child, and if the agency has a reasonable expectation of 18155
placing the child for adoption, the child should be committed to 18156
the permanent custody of the public children services agency or 18157
private child placing agency; 18158

(6) If the child is to be placed for adoption or foster care, 18159
the placement shall not be delayed or denied on the basis of the 18160
child's or adoptive or foster family's race, color, or national 18161
origin. 18162

(I) The case plan for a child in temporary custody shall 18163
include at a minimum the following requirements if the child is or 18164

has been the victim of abuse or neglect or if the child witnessed 18165
the commission in the child's household of abuse or neglect 18166
against a sibling of the child, a parent of the child, or any 18167
other person in the child's household: 18168

(1) A requirement that the child's parents, guardian, or 18169
custodian participate in mandatory counseling; 18170

(2) A requirement that the child's parents, guardian, or 18171
custodian participate in any supportive services that are required 18172
by or provided pursuant to the child's case plan. 18173

(J) A (1) Prior to January 1, 2023, a case plan for a child 18174
in temporary custody may include, as a supplement, a plan for 18175
locating a permanent family placement. The supplement shall not be 18176
considered part of the case plan for purposes of division (E) of 18177
this section. 18178

(2) On and after January 1, 2023, a case plan for a child in 18179
temporary custody shall include a permanency plan for the child 18180
unless it is documented that such a plan would not be in the best 18181
interest of the child. The permanency plan shall describe the 18182
services the agency shall provide to achieve permanency for the 18183
child if reasonable efforts to return the child to the child's 18184
home, or eliminate the continued removal from that home, are 18185
unsuccessful. Those services shall be provided concurrently with 18186
reasonable efforts to return the child home or eliminate the 18187
child's continued removal from home. 18188

(3) The director of job and family services, pursuant to 18189
Chapter 119. of the Revised Code, shall adopt rules necessary to 18190
carry out the purposes of division (J) of this section. 18191

(K)(1) A public children services agency may request that the 18192
superintendent of the bureau of criminal identification and 18193
investigation conduct a criminal records check with respect to a 18194
parent, guardian, custodian, prospective custodian, or prospective 18195

placement whose actions result in a finding after the filing of a 18196
complaint as described in division (A)(1) of this section that a 18197
child is an abused, neglected, or dependent child. The public 18198
children services agency shall request that the superintendent 18199
obtain information from the federal bureau of investigation as 18200
part of the criminal records check. 18201

(2) At any time on or after the date that is ninety days 18202
after ~~the effective date of this amendment~~ September 10, 2012, a 18203
prosecuting attorney, or an assistant prosecuting attorney 18204
appointed under section 309.06 of the Revised Code, may request 18205
that the superintendent of the bureau of criminal identification 18206
and investigation conduct a criminal records check with respect to 18207
each parent, guardian, custodian, prospective custodian, or 18208
prospective placement whose actions resulted in a finding after 18209
the filing of a complaint described in division (A)(1) of this 18210
section that a child is an abused, neglected, or dependent child. 18211
Each prosecuting attorney or assistant prosecuting attorney who 18212
makes such a request shall request that the superintendent obtain 18213
information from the federal bureau of investigation as part of 18214
the criminal records check for each parent, guardian, custodian, 18215
prospective custodian, or prospective placement who is a subject 18216
of the request. 18217

(3) A public children services agency, prosecuting attorney, 18218
or assistant prosecuting attorney that requests a criminal records 18219
check under division (K)(1) or (2) of this section shall do both 18220
of the following: 18221

(a) Provide to each parent, guardian, custodian, prospective 18222
custodian, or prospective placement for whom a criminal records 18223
check is requested a copy of the form prescribed pursuant to 18224
division (C)(1) of section 109.572 of the Revised Code and a 18225
standard fingerprint impression sheet prescribed pursuant to 18226
division (C)(2) of that section and obtain the completed form and 18227

impression sheet from the parent, guardian, custodian, prospective
custodian, or prospective placement; 18228
18229

(b) Forward the completed form and impression sheet to the 18230
superintendent of the bureau of criminal identification and 18231
investigation. 18232

(4) A parent, guardian, custodian, prospective custodian, or 18233
prospective placement who is given a form and fingerprint 18234
impression sheet under division (K)(3)(a) of this section and who 18235
fails to complete the form or provide fingerprint impressions may 18236
be held in contempt of court. 18237

Sec. 2151.416. (A) Each agency that is required by section 18238
2151.412 of the Revised Code to prepare a case plan for a child 18239
shall complete a semiannual administrative review of the case plan 18240
no later than six months after the earlier of the date on which 18241
the complaint in the case was filed or the child was first placed 18242
in shelter care. After the first administrative review, the agency 18243
shall complete semiannual administrative reviews no later than 18244
every six months. If the court issues an order pursuant to section 18245
2151.414 or 2151.415 of the Revised Code, the agency shall 18246
complete an administrative review no later than six months after 18247
the court's order and continue to complete administrative reviews 18248
no later than every six months after the first review, except that 18249
the court hearing held pursuant to section 2151.417 of the Revised 18250
Code may take the place of any administrative review that would 18251
otherwise be held at the time of the court hearing. When 18252
conducting a review, the child's health and safety shall be the 18253
paramount concern. 18254

(B) Each administrative review required by division (A) of 18255
this section shall be conducted by a review panel of at least 18256
three persons, including, but not limited to, both of the 18257
following: 18258

- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 18259
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- (2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 18261
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- (C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 18264
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- (D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 18275
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- (1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 18278
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- (2) The extent of the compliance with the case plan of all parties; 18280
18281
- (3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 18282
18283
18284
- (4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody; 18285
18286
18287
- (5) An updated case plan that includes any changes that the 18288

agency is proposing in the case plan; 18289

(6) The recommendation of the agency as to which agency or 18290
person should be given custodial rights over the child for the 18291
six-month period after the administrative review; 18292

(7) The names of all persons who participated in the 18293
administrative review; 18294

(8) A summary of the agency's intensive efforts to secure a 18295
placement with an appropriate and willing kinship caregiver as 18296
defined in section 5101.85 of the Revised Code, including any use 18297
of search technology to find biological family members of the 18298
child and all other efforts undertaken since the last review, 18299
unless a court has determined that intensive efforts are 18300
unnecessary pursuant to section 2151.4118 of the Revised Code. 18301

(E) The agency shall file the summary with the court no later 18302
than seven days after the completion of the administrative review. 18303
If the agency proposes a change to the case plan as a result of 18304
the administrative review, the agency shall file the proposed 18305
change with the court at the time it files the summary. The agency 18306
shall give notice of the summary and proposed change in writing 18307
before the end of the next day after filing them to all parties 18308
and the child's guardian ad litem. All parties and the guardian ad 18309
litem shall have seven days after the date the notice is sent to 18310
object to and request a hearing on the proposed change. 18311

(1) If the court receives a timely request for a hearing, the 18312
court shall schedule a hearing pursuant to section 2151.417 of the 18313
Revised Code to be held not later than thirty days after the court 18314
receives the request. The court shall give notice of the date, 18315
time, and location of the hearing to all parties and the guardian 18316
ad litem. The agency may implement the proposed change after the 18317
hearing, if the court approves it. The agency shall not implement 18318
the proposed change unless it is approved by the court. 18319

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the custody of another institution or association certified by the department of job and family services under section 5103.03 of the Revised Code.

Sec. 2151.4115. (A) As used in sections 2151.4116 to 2151.4122 of the Revised Code:

(1) "Kinship caregiver" has the same meaning as used in

section 5101.85 of the Revised Code. 18351

(2) "Search technology" means any locate-and-research tool, 18352
search engine, electronic database, or social media search tool 18353
available to a public children services agency or a private child 18354
placing agency. 18355

Sec. 2151.4116. A public children services agency or private 18356
child placing agency shall make intensive efforts to identify and 18357
engage an appropriate and willing kinship caregiver for the care 18358
of a child who is in one of following: 18359

(A) Temporary custody of the agency; 18360

(B) A planned permanent living arrangement with the agency. 18361

Sec. 2151.4117. (A) At every court hearing regarding a child 18362
described in section 2151.4116 of the Revised Code, the court 18363
shall determine whether the public children services agency or 18364
private child placing agency has continued intensive efforts to 18365
identify and engage appropriate and willing kinship caregivers for 18366
the child. 18367

(B) At each hearing the court shall: 18368

(1) Review the placement of the child to determine if the 18369
child is receiving care in the home of a kinship caregiver; 18370

(2) Review the efforts of the agency since the previous 18371
hearing to place the child with a kinship caregiver in accordance 18372
with section 2151.33 of the Revised Code, including efforts to 18373
utilize search technology to find biological family members for 18374
the child; 18375

(3) Review any previous court order issued under section 18376
2151.4118 of the Revised Code to determine if the order should 18377
continue based on the child's current placement situation. 18378

Sec. 2151.4118. A court may issue an order that determines, 18379
with respect to a child described in section 2151.4116 of the 18380
Revised Code who is not receiving care in the home of a kinship 18381
caregiver, that the continuation of the child's current placement 18382
is in the child's best interest and that intensive efforts to 18383
identify and engage an appropriate and willing kinship caregiver 18384
for the child are unnecessary if the court makes the findings in 18385
section 2151.4119 of the Revised Code. 18386

Sec. 2151.4119. A court may issue an order under section 18387
2151.4118 of the Revised Code if it finds all of the following: 18388

(A) The child has been living in a stable home environment 18389
with the child's current caregivers for the past twelve 18390
consecutive months. 18391

(B) The current caregivers have expressed interest in 18392
providing permanency for the child. 18393

(C) The removal of the child from the current caregivers 18394
would be detrimental to the child's emotional well-being. 18395

Sec. 2151.4120. If a court makes the findings under section 18396
2151.4119 of the Revised Code, the court and public children 18397
services agency or private child placing agency may consider the 18398
child's current caregiver as having a kin relationship with the 18399
child and at an equal standing to other kin in regards to 18400
permanency. 18401

Sec. 2151.4121. If a relative who received the required 18402
notice pursuant to section 2151.33 of the Revised Code fails 18403
within six months from the date of receipt to demonstrate interest 18404
in and willingness to provide a permanent home for a child, a 18405
court may excuse the public children services agency or private 18406
child placing agency from considering such relative for placement 18407

if the court has issued an order under section 2151.4119 of the 18408
Revised Code. 18409

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 18410
the Revised Code shall be construed to prevent a public children 18411
services agency or private child placement agency from continuing 18412
to search or consider kinship caregivers. 18413

Sec. 2151.451. (A) The juvenile court of the county in, to 18414
which either of the following applies regarding an emancipated 18415
young adult described under division (A)(1) of section 5101.1411 18416
of the Revised Code ~~resides shall have, may exercise~~ jurisdiction 18417
over the emancipated young adult for purposes of sections 2151.45 18418
to 2151.455 of the Revised Code: 18419

(1) The county in which the emancipated young adult resides; 18420

(2) The county in which the emancipated young adult resided 18421
when the custody, arrangement, or care and placement described in 18422
division (A)(3)(a) of section 5101.141 of the Revised Code 18423
terminated. 18424

(B) A juvenile court, on its own motion or the motion of any 18425
party, may transfer a proceeding under these sections 2151.45 to 18426
2151.455 of the Revised Code to a juvenile court with jurisdiction 18427
as provided in this section. 18428

Sec. 2151.452. A juvenile court shall do both of the 18429
following regarding an emancipated young adult described under 18430
division (A)(1) of section 5101.1411 of the Revised Code: 18431

(A) Not later than one hundred eighty days after the 18432
voluntary participation agreement becomes effective, make a 18433
determination as to whether the emancipated young adult's best 18434
interest is served by continuing the care and placement with the 18435

department of job and family services or its representative. ~~An~~ 18436
~~emancipated young adult shall not be eligible for continued care~~ 18437
~~and placement if the court finds it is not in the emancipated~~ 18438
~~young adult's best interest.~~ 18439

(B) Not later than twelve months after the effective date 18440
~~that~~ of the voluntary participation agreement ~~is signed~~, and 18441
~~annually at least once every twelve months~~ thereafter, make a 18442
determination ~~as to whether~~ that the department or its 18443
representative has made reasonable efforts ~~have been made to~~ 18444
finalize a permanency plan to prepare the emancipated young adult 18445
for independence. 18446

Sec. 2151.453. If any determination required under ~~division~~ 18447
~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 18448
the federal payments for foster care under division (A)(1) of 18449
section 5101.1411 of the Revised Code for the emancipated young 18450
adult shall be suspended. The payments shall resume upon a 18451
subsequent determination that reasonable efforts have been made to 18452
prepare the emancipated young adult for independence, but only if 18453
both of the following apply: 18454

(A) The emancipated young adult complies with division (A)(1) 18455
of section 5101.1411 of the Revised Code. 18456

(B) There has been a timely determination of best interest 18457
under division (A) of section 2151.452 of the Revised Code. 18458

Sec. 2317.54. No hospital, home health agency, ambulatory 18459
surgical facility, or provider of a hospice care program or 18460
pediatric respite care program shall be held liable for a 18461
physician's failure to obtain an informed consent from the 18462
physician's patient prior to a surgical or medical procedure or 18463
course of procedures, unless the physician is an employee of the 18464
hospital, home health agency, ambulatory surgical facility, or 18465

provider of a hospice care program or pediatric respite care 18466
program. 18467

Written consent to a surgical or medical procedure or course 18468
of procedures shall, to the extent that it fulfills all the 18469
requirements in divisions (A), (B), and (C) of this section, be 18470
presumed to be valid and effective, in the absence of proof by a 18471
preponderance of the evidence that the person who sought such 18472
consent was not acting in good faith, or that the execution of the 18473
consent was induced by fraudulent misrepresentation of material 18474
facts, or that the person executing the consent was not able to 18475
communicate effectively in spoken and written English or any other 18476
language in which the consent is written. Except as herein 18477
provided, no evidence shall be admissible to impeach, modify, or 18478
limit the authorization for performance of the procedure or 18479
procedures set forth in such written consent. 18480

(A) The consent sets forth in general terms the nature and 18481
purpose of the procedure or procedures, and what the procedures 18482
are expected to accomplish, together with the reasonably known 18483
risks, and, except in emergency situations, sets forth the names 18484
of the physicians who shall perform the intended surgical 18485
procedures. 18486

(B) The person making the consent acknowledges that such 18487
disclosure of information has been made and that all questions 18488
asked about the procedure or procedures have been answered in a 18489
satisfactory manner. 18490

(C) The consent is signed by the patient for whom the 18491
procedure is to be performed, or, if the patient for any reason 18492
including, but not limited to, competence, minority, or the fact 18493
that, at the latest time that the consent is needed, the patient 18494
is under the influence of alcohol, hallucinogens, or drugs, lacks 18495
legal capacity to consent, by a person who has legal authority to 18496
consent on behalf of such patient in such circumstances, including 18497

either of the following: 18498

(1) The parent, whether the parent is an adult or a minor, of 18499
the parent's minor child; 18500

(2) An adult whom the parent of the minor child has given 18501
written authorization to consent to a surgical or medical 18502
procedure or course of procedures for the parent's minor child. 18503

Any use of a consent form that fulfills the requirements 18504
stated in divisions (A), (B), and (C) of this section has no 18505
effect on the common law rights and liabilities, including the 18506
right of a physician to obtain the oral or implied consent of a 18507
patient to a medical procedure, that may exist as between 18508
physicians and patients on July 28, 1975. 18509

As used in this section the term "hospital" has the same 18510
meaning as in section 2305.113 of the Revised Code; ~~"home health 18511
agency" has the same meaning as in section 3701.881 of the Revised 18512
Code;~~ "ambulatory surgical facility" has the same meaning as in 18513
section 3702.30 of the Revised Code; ~~and~~ "hospice care program" 18514
and "pediatric respite care program" have the same meanings as in 18515
section 3712.01 of the Revised Code, and "home health agency" has 18516
the same meaning as in section 3740.01 of the Revised Code. The 18517
provisions of this division apply to hospitals, doctors of 18518
medicine, doctors of osteopathic medicine, and doctors of 18519
podiatric medicine. 18520

Sec. 2329.312. (A) All levying officers appointed or 18521
authorized by a court under this chapter to conduct the judicial 18522
or execution sale of residential property consisting of one to 18523
four single-family units shall submit quarterly reports to the 18524
attorney general ~~for the purpose of assessing the extent to which 18525
deadlines required by this chapter are met.~~ The reports shall 18526
include data on each such sale conducted by the officer, including 18527
data showing whether or not the deadlines required under division 18528

~~(E) of section 2308.02, division (B) of section 2329.17, and
sections 2329.30 and 2329.31 of the Revised Code are met.~~ 18529
18530

~~(B) Starting one year after the effective date of this
section September 28, 2016, the The attorney general shall do all
of the following:~~ 18531
18532
18533

~~(1) Establish and maintain a database comprised of the
information submitted by levying officers pursuant to division (A)
of this section:~~ 18534
18535
18536

~~(2) Make make the information included in the database
reports described in division (A) of this section publicly
available:~~ 18537
18538
18539

~~(3) Adopt rules for the creation and administration of the
database.~~ 18540
18541

Sec. 2743.01. As used in this chapter: 18542

(A) "State" means the state of Ohio, including, but not 18543
limited to, the general assembly, the supreme court, the offices 18544
of all elected state officers, and all departments, boards, 18545
offices, commissions, agencies, institutions, and other 18546
instrumentalities of the state. "State" does not include political 18547
subdivisions. 18548

(B) "Political subdivisions" means municipal corporations, 18549
townships, counties, school districts, and all other bodies 18550
corporate and politic responsible for governmental activities only 18551
in geographic areas smaller than that of the state to which the 18552
sovereign immunity of the state attaches. 18553

(C) "Claim for an award of reparations" or "claim" means a 18554
claim for an award of reparations made under sections 2743.51 to 18555
2743.72 of the Revised Code. 18556

(D) "Award of reparations" or "award" means an award made 18557

under sections 2743.51 to 2743.72 of the Revised Code. 18558

(E)(1) "Public duty" includes, but is not limited to, any 18559
statutory, regulatory, or assumed duty concerning any action or 18560
omission of the state involving any of the following: 18561

(a) Permitting, certifying, licensing, inspecting, 18562
investigating, supervising, regulating, auditing, monitoring, law 18563
enforcement, ~~or~~ emergency response activity, or compromising 18564
claims; 18565

(b) Supervising, rehabilitating, or liquidating corporations 18566
or other business entities. 18567

(2) "Public duty" does not include any action of the state 18568
under circumstances in which a special relationship can be 18569
established between the state and an injured party as provided in 18570
division (A)(3) of section 2743.02 of the Revised Code. 18571

Sec. 2743.02. (A)(1) The state hereby waives its immunity 18572
from liability, except as provided for the office of the state 18573
fire marshal in division (G)(1) of section 9.60 and division (B) 18574
of section 3737.221 of the Revised Code and subject to division 18575
(H) of this section, and consents to be sued, and have its 18576
liability determined, in the court of claims created in this 18577
chapter in accordance with the same rules of law applicable to 18578
suits between private parties, except that the determination of 18579
liability is subject to the limitations set forth in this chapter 18580
and, in the case of state universities or colleges, in section 18581
3345.40 of the Revised Code, and except as provided in division 18582
(A)(2) or (3) of this section. To the extent that the state has 18583
previously consented to be sued, this chapter has no 18584
applicability. 18585

Except in the case of a civil action filed by the state, 18586
filing a civil action in the court of claims results in a complete 18587

waiver of any cause of action, based on the same act or omission, 18588
that the filing party has against any officer or employee, as 18589
defined in section 109.36 of the Revised Code. The waiver shall be 18590
void if the court determines that the act or omission was 18591
manifestly outside the scope of the officer's or employee's office 18592
or employment or that the officer or employee acted with malicious 18593
purpose, in bad faith, or in a wanton or reckless manner. 18594

(2) If a claimant proves in the court of claims that an 18595
officer or employee, as defined in section 109.36 of the Revised 18596
Code, would have personal liability for the officer's or 18597
employee's acts or omissions but for the fact that the officer or 18598
employee has personal immunity under section 9.86 of the Revised 18599
Code, the state shall be held liable in the court of claims in any 18600
action that is timely filed pursuant to section 2743.16 of the 18601
Revised Code and that is based upon the acts or omissions. 18602

(3)(a) Except as provided in division (A)(3)(b) of this 18603
section, the state is immune from liability in any civil action or 18604
proceeding involving the performance or nonperformance of a public 18605
duty, including the performance or nonperformance of a public duty 18606
that is owed by the state in relation to any action of an 18607
individual who is committed to the custody of the state. 18608

(b) The state immunity provided in division (A)(3)(a) of this 18609
section does not apply to any action of the state under 18610
circumstances in which a special relationship can be established 18611
between the state and an injured party. A special relationship 18612
under this division is demonstrated if all of the following 18613
elements exist: 18614

(i) An assumption by the state, by means of promises or 18615
actions, of an affirmative duty to act on behalf of the party who 18616
was allegedly injured; 18617

(ii) Knowledge on the part of the state's agents that 18618

inaction of the state could lead to harm; 18619

(iii) Some form of direct contact between the state's agents 18620
and the injured party; 18621

(iv) The injured party's justifiable reliance on the state's 18622
affirmative undertaking. 18623

(B) The state hereby waives the immunity from liability of 18624
all hospitals owned or operated by one or more political 18625
subdivisions and consents for them to be sued, and to have their 18626
liability determined, in the court of common pleas, in accordance 18627
with the same rules of law applicable to suits between private 18628
parties, subject to the limitations set forth in this chapter. 18629
This division is also applicable to hospitals owned or operated by 18630
political subdivisions that have been determined by the supreme 18631
court to be subject to suit prior to July 28, 1975. 18632

(C) Any hospital, as defined in section 2305.113 of the 18633
Revised Code, may purchase liability insurance covering its 18634
operations and activities and its agents, employees, nurses, 18635
interns, residents, staff, and members of the governing board and 18636
committees, and, whether or not such insurance is purchased, may, 18637
to the extent that its governing board considers appropriate, 18638
indemnify or agree to indemnify and hold harmless any such person 18639
against expense, including attorney's fees, damage, loss, or other 18640
liability arising out of, or claimed to have arisen out of, the 18641
death, disease, or injury of any person as a result of the 18642
negligence, malpractice, or other action or inaction of the 18643
indemnified person while acting within the scope of the 18644
indemnified person's duties or engaged in activities at the 18645
request or direction, or for the benefit, of the hospital. Any 18646
hospital electing to indemnify those persons, or to agree to so 18647
indemnify, shall reserve any funds that are necessary, in the 18648
exercise of sound and prudent actuarial judgment, to cover the 18649
potential expense, fees, damage, loss, or other liability. The 18650

superintendent of insurance may recommend, or, if the hospital 18651
requests the superintendent to do so, the superintendent shall 18652
recommend, a specific amount for any period that, in the 18653
superintendent's opinion, represents such a judgment. This 18654
authority is in addition to any authorization otherwise provided 18655
or permitted by law. 18656

(D) Recoveries against the state shall be reduced by the 18657
aggregate of insurance proceeds, disability award, or other 18658
collateral recovery ~~received by that~~ the claimant receives or is 18659
entitled to. This division does not apply to civil actions in the 18660
court of claims against a state university or college under the 18661
circumstances described in section 3345.40 of the Revised Code. 18662
The collateral benefits provisions of division (B)(2) of that 18663
section apply under those circumstances. 18664

(E) The only defendant in original actions in the court of 18665
claims is the state. The state may file a third-party complaint or 18666
counterclaim in any civil action, except a civil action for ten 18667
thousand dollars or less, that is filed in the court of claims. 18668

(F) A civil action against an officer or employee, as defined 18669
in section 109.36 of the Revised Code, that alleges that the 18670
officer's or employee's conduct was manifestly outside the scope 18671
of the officer's or employee's employment or official 18672
responsibilities, or that the officer or employee acted with 18673
malicious purpose, in bad faith, or in a wanton or reckless manner 18674
shall first be filed against the state in the court of claims that 18675
has exclusive, original jurisdiction to determine, initially, 18676
whether the officer or employee is entitled to personal immunity 18677
under section 9.86 of the Revised Code and whether the courts of 18678
common pleas have jurisdiction over the civil action. The officer 18679
or employee may participate in the immunity determination 18680
proceeding before the court of claims to determine whether the 18681
officer or employee is entitled to personal immunity under section 18682

9.86 of the Revised Code. 18683

The filing of a claim against an officer or employee under 18684
this division tolls the running of the applicable statute of 18685
limitations until the court of claims determines whether the 18686
officer or employee is entitled to personal immunity under section 18687
9.86 of the Revised Code. 18688

(G) If a claim lies against an officer or employee who is a 18689
member of the Ohio national guard, and the officer or employee 18690
was, at the time of the act or omission complained of, subject to 18691
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 18692
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 18693
of the claimant and the state has no liability under this section. 18694

(H) If an inmate of a state correctional institution has a 18695
claim against the state for the loss of or damage to property and 18696
the amount claimed does not exceed three hundred dollars, before 18697
commencing an action against the state in the court of claims, the 18698
inmate shall file a claim for the loss or damage under the rules 18699
adopted by the director of rehabilitation and correction pursuant 18700
to this division. The inmate shall file the claim within the time 18701
allowed for commencement of a civil action under section 2743.16 18702
of the Revised Code. If the state admits or compromises the claim, 18703
the director shall make payment from a fund designated by the 18704
director for that purpose. If the state denies the claim or does 18705
not compromise the claim at least sixty days prior to expiration 18706
of the time allowed for commencement of a civil action based upon 18707
the loss or damage under section 2743.16 of the Revised Code, the 18708
inmate may commence an action in the court of claims under this 18709
chapter to recover damages for the loss or damage. 18710

The director of rehabilitation and correction shall adopt 18711
rules pursuant to Chapter 119. of the Revised Code to implement 18712
this division. 18713

Sec. 2743.15. (A) The director or other administrative chief, 18714
or the governing body, of any department, board, office, 18715
commission, agency, institution, or other instrumentality of the 18716
state, ~~with:~~ 18717

(1) With the approval of the attorney general and the court 18718
of claims, may settle or compromise any civil action against the 18719
state insofar as the department, board, office, commission, 18720
agency, institution, or other instrumentality is named as a 18721
defendant; 18722

(2) Shall notify the office of risk management in the 18723
department of administrative services of any settlement or 18724
compromise to allow for the proper reservation of funds. 18725

(B) The acceptance by the claimant of any such compromise or 18726
settlement shall be final and conclusive on the claimant and is a 18727
complete release of the civil action against the state insofar as 18728
the particular department, board, office, commission, agency, 18729
institution, or other instrumentality is named, or could be named, 18730
as a defendant. A compromise or settlement that requires the 18731
payment of money by the state may be implemented and enforced, 18732
insofar as the payment of money is concerned, only through the 18733
procedure specified in section 2743.19 of the Revised Code, which 18734
shall be commenced by the attorney general forwarding a clerk's 18735
certified copy of the settlement instrument to the director of 18736
budget and management. A copy of the settlement instrument of 18737
actions involving the office of risk management in the department 18738
of administrative services shall be forwarded to the office of 18739
risk management for payment via the risk management reserve fund 18740
created in section 9.823 of the Revised Code. 18741

No interest of any kind, including any kind set forth in 18742
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 18743
any compromise or settlement of any civil action against the state 18744

under this section. 18745

The authority of the department of administrative services to 18746
compromise claims does not extend to other statutory and agency 18747
programs with direct settlement authority, including activities by 18748
the department of transportation, inmate property actions 18749
described in division (H) of section 2743.02 of the Revised Code, 18750
and wrongful imprisonment actions provided for in section 2743.48 18751
of the Revised Code. 18752

Sec. 2743.16. (A) Subject to division (B) of this section, 18753
civil actions against the state permitted by sections 2743.01 to 18754
2743.20 of the Revised Code shall be commenced no later than two 18755
years after the date of accrual of the cause of action or within 18756
any shorter period that is applicable to similar suits between 18757
private parties. 18758

(B) If a person suffers injury, death, or loss to person or 18759
property ~~from the operation of an automobile, truck, motor vehicle~~ 18760
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 18761
~~aircraft, or watercraft by an officer or employee of the state~~ 18762
~~while engaged in the course of his employment or official~~ 18763
~~responsibilities for the state, as contemplated in sections 9.821~~ 18764
to 9.83 of the Revised Code, the person or the representative of 18765
that person or of the estate of that person shall attempt, prior 18766
to the commencement of an action based upon that injury, death, or 18767
loss, to have the claim based upon that injury, death, or loss 18768
compromised by the state office of risk management in the 18769
department of administrative services or satisfied by the state's 18770
liability insurance. No action for any such claim shall be filed 18771
in the court of claims until the person, the representative of 18772
that person, or the estate of the person asserting the claim has 18773
complied with this division. Any compromise by the office of risk 18774
management shall be paid from the risk management reserve fund 18775

created in section 9.823 of the Revised Code. The acceptance by 18776
the claimant of any such compromise or settlement shall be final 18777
and conclusive on the person or representative of the person or 18778
the person's estate and is a complete release against the state 18779
insofar as the particular department, board, office, commission, 18780
agency, institution, or other instrumentality is named, or could 18781
be named, as a defendant and results in a complete waiver of any 18782
cause of action, based on the same act or omission, that the 18783
person or representative of the person or the person's estate has 18784
against any officer or employee, as defined in section 109.36 of 18785
the Revised Code. 18786

If the state, upon a request of the person or of ~~his or his~~ 18787
~~estate's~~ the representative of the person or the person's estate 18788
to compromise such a claim, does not compromise the claim within a 18789
reasonable time after the request is made and at least sixty days 18790
prior to the expiration of the applicable period of limitations 18791
for commencement of an action based upon the injury, death, or 18792
loss, or if the amount of the claim is in excess of the state's 18793
liability insurance coverage, the person or ~~his or his estate's~~ 18794
the representative of the person or the person's estate may 18795
commence an action in the court of claims under this chapter to 18796
recover the claim or the unpaid amount of the claim from the 18797
state. Neither the person nor ~~his or his estate's~~ the 18798
representative of the person or the person's estate shall commence 18799
an action against the officer or employee to recover damages for 18800
the injury, death, or loss until after ~~he~~ the person or 18801
representative commences the action in the court of claims against 18802
the state and the action in that court is terminated. If the court 18803
of claims determines that the state is not liable for the injury, 18804
death, or loss ~~caused by the officer's or employee's operation of~~ 18805
~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 18806
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ the 18807
person or ~~his or his estate's~~ the representative of the person or 18808

the person's estate is not prohibited by this division from 18809
commencing an action against the officer or employee to recover 18810
the claim or the unpaid amount of the claim based upon the injury, 18811
death, or loss. Nothing in this division shall affect the immunity 18812
of any state officer or employee pursuant to section 9.86 of the 18813
Revised Code. 18814

If a person or his or his estate's representative attempts, 18815
pursuant to this division, to have a claim compromised by the 18816
state or satisfied by the state's liability insurance, and if the 18817
state determines not to compromise the claim, the state's 18818
liability insurance will not cover the claim, or the claim is in 18819
excess of the state's liability insurance coverage, then the state 18820
shall so notify the person or his or his estate's representative 18821
in writing. The notice shall be provided as soon as possible after 18822
the state determines not to compromise the claim or it is 18823
determined that the state's liability insurance will not cover 18824
either the claim or the entire claim. 18825

(C) All summaries, reports, and records received and 18826
maintained by the office of risk management in the department of 18827
administrative services in connection with claims against the 18828
state are not public records, shall be held in confidence, shall 18829
not be released, and shall not be subject to discovery or 18830
introduction in evidence in any federal or state civil action. 18831

(D)(1) The period of limitations prescribed by division (A) 18832
of this section shall be tolled pursuant to section 2305.16 of the 18833
Revised Code. 18834

(2) If a person suffers injury, death, or loss to person or 18835
property ~~from the operation of an automobile, truck, motor vehicle~~ 18836
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 18837
~~aircraft, or watercraft by an officer or employee of the state~~ 18838
~~while engaged in the course of his employment or official~~ 18839
~~responsibilities for the state~~ contemplated by sections 9.82 to 18840

9.83 of the Revised Code, if the person or ~~his or his estate's~~ the 18841
representative of the person or the person's estate is required by 18842
division (B) of this section to attempt to have the claim based 18843
upon the injury, death, or loss compromised by the state or 18844
satisfied by the state's liability insurance prior to commencing 18845
an action based upon the injury, death, or loss, and if the person 18846
or ~~his or his estate's~~ the representative of the person or the 18847
person's estate complies with that division prior to the 18848
expiration of the applicable period of limitations prescribed by 18849
division (A) of this section for the commencement of an action in 18850
the court of claims based upon that injury, death, or loss, the 18851
period of time commencing with the submission of the claim to the 18852
state for the purposes of compromise or liability insurance 18853
satisfaction and ending with the state's compromise of the claim, 18854
the satisfaction of the claim by the state's liability insurance, 18855
or the provision of the written notice described in division (B) 18856
of this section shall not be computed as any part of the period 18857
within which an action based upon that injury, death, or loss must 18858
be brought. 18859

(3) If a person or ~~his or his estate's~~ the representative of 18860
a person or a person's estate commences an action to recover a 18861
claim, or the unpaid amount of a claim, against the state in the 18862
court of claims and that claim arises out ~~of the operation of an~~ 18863
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 18864
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 18865
~~an officer or employee of the state while engaged in the course of~~ 18866
~~his employment or official responsibilities for the state~~ an 18867
injury, death, or loss contemplated by sections 9.82 to 9.83 of 18868
the Revised Code, the statute of limitations on the claim against 18869
the officer or employee shall not run during any time when the 18870
action against the state is pending in the court of claims. 18871

Sec. 2743.19. (A) In rendering a judgment against the state, 18872

the court of claims shall determine and specify in the judgment 18873
the department, office, commission, board, agency, institution, or 18874
other instrumentality of the state against which a determination 18875
of liability has been made. The court of claims shall award 18876
compensation for fees to a prevailing party in an action under 18877
this chapter in accordance with section 2335.39 of the Revised 18878
Code. 18879

(B) No execution shall issue against the state or any 18880
department, board, office, commission, agency, institution, or 18881
other instrumentality of the state upon any judgment for the 18882
payment of money. 18883

(C) Judgments shall be accomplished only through the 18884
following procedure, which may be enforced by writ of mandamus 18885
directed to the appropriate official: 18886

(1) The clerk of the court of claims shall forward a 18887
certified copy of the judgment to the director of budget and 18888
management and the attorney general or the officer who signed the 18889
investigative report for the department, office, commission, 18890
board, agency, institution, or other instrumentality of the state 18891
against which a determination of liability has been made. If the 18892
judgment requires payment from the risk management reserve fund 18893
created in section 9.823 of the Revised Code, a final signed copy 18894
of the judgment shall be forwarded to the office of risk 18895
management in the department of administrative services for 18896
payment. 18897

(2) The expense of a judgment paid, plus interest at the same 18898
rate that is applicable to judgments rendered against private 18899
parties to a suit as specified in section 1343.03 of the Revised 18900
Code and for the number of days determined pursuant to division 18901
(B)(1) or (2) of section 2743.18 of the Revised Code, shall be 18902
charged by the director of budget and management against available 18903
unencumbered moneys in the appropriations to whichever state 18904

departments, boards, offices, commissions, agencies, institutions, 18905
or other instrumentalities are named in the judgment. The director 18906
of budget and management shall have sole discretion to determine 18907
whether or not unencumbered moneys in a particular appropriation 18908
are available for satisfaction of a judgment. 18909

(3) The director of budget and management, upon receipt of 18910
the certified copy of the judgment from the clerk of the court of 18911
claims pursuant to division (C)(1) of this section, shall provide 18912
for payment of the judgment creditor in the amount of the judgment 18913
certified by the clerk of the court of claims, plus interest. 18914

(4) If the director of budget and management determines that 18915
sufficient unencumbered moneys do not exist in the particular 18916
appropriations to pay the judgment and interest, the director may 18917
make application for payment of the judgment and interest out of 18918
the emergency purposes account or another appropriation for 18919
emergencies or contingencies. 18920

(5) If moneys in the emergency purposes account or another 18921
appropriation for emergencies or contingencies are not used to pay 18922
the judgment and interest, the director of budget and management 18923
shall request the general assembly to make an appropriation 18924
sufficient to pay the judgment and interest, and no payment shall 18925
be made until the appropriation has been made. The appropriate 18926
state department, board, office, commission, agency, institution, 18927
or other instrumentality shall make this appropriation request 18928
during the current biennium and during each succeeding biennium 18929
until a sufficient appropriation is made. 18930

(6) If the judgment is against any department, board, office, 18931
commission, agency, institution, or other instrumentality of the 18932
state whose funds are not handled by the director of budget and 18933
management, the instrumentality against which the judgment is 18934
made, within sixty days after the date of the judgment, shall pay 18935
the judgment creditor in the amount of the judgment plus interest 18936

at the same rate that is applicable to judgments rendered against 18937
private parties to a suit as specified in section 1343.03 of the 18938
Revised Code and for the number of days determined pursuant to 18939
division (B)(1) or (2) of section 2743.18 of the Revised Code. 18940

(D) No judgment shall be forwarded by the clerk of the court 18941
of claims to the director of budget and management until all 18942
appeals have been determined and all rights to appeal have been 18943
exhausted, except as otherwise provided in this section. If a 18944
party to a civil action against the state appeals from only a 18945
portion of a judgment and if a remaining portion provides for the 18946
payment of money by the state, a certified copy of the judgment 18947
and a copy of the notice of appeal shall be forwarded to the 18948
director, and that part of the judgment calling for the payment of 18949
money by the state and not a subject of the appeal shall be 18950
processed for payment as described in this section. 18951

Sec. 2921.36. (A) No person shall knowingly convey, or 18952
attempt to convey, onto the grounds of a detention facility or of 18953
an institution, office building, or other place that is under the 18954
control of the department of mental health and addiction services, 18955
the department of developmental disabilities, the department of 18956
youth services, or the department of rehabilitation and correction 18957
any of the following items: 18958

(1) Any deadly weapon or dangerous ordnance, as defined in 18959
section 2923.11 of the Revised Code, or any part of or ammunition 18960
for use in such a deadly weapon or dangerous ordnance; 18961

(2) Any drug of abuse, as defined in section 3719.011 of the 18962
Revised Code; 18963

(3) Any intoxicating liquor, as defined in section 4301.01 of 18964
the Revised Code, except for small amounts of wine for sacramental 18965
purposes when the person engaging in the specified conduct is a 18966
cleric, as defined in section 2317.02 of the Revised Code. 18967

(B) Division (A) of this section does not apply to any person 18968
who conveys or attempts to convey an item onto the grounds of a 18969
detention facility or of an institution, office building, or other 18970
place under the control of the department of mental health and 18971
addiction services, the department of developmental disabilities, 18972
the department of youth services, or the department of 18973
rehabilitation and correction pursuant to the written 18974
authorization of the person in charge of the detention facility or 18975
the institution, office building, or other place and in accordance 18976
with the written rules of the detention facility or the 18977
institution, office building, or other place. 18978

(C) No person shall knowingly deliver, or attempt to deliver, 18979
to any person who is confined in a detention facility, to a child 18980
confined in a youth services facility, to a prisoner who is 18981
temporarily released from confinement for a work assignment, or to 18982
any patient in an institution under the control of the department 18983
of mental health and addiction services or the department of 18984
developmental disabilities any item listed in division (A)(1), 18985
(2), or (3) of this section. 18986

(D) No person shall knowingly deliver, or attempt to deliver, 18987
cash to any person who is confined in a detention facility, to a 18988
child confined in a youth services facility, or to a prisoner who 18989
is temporarily released from confinement for a work assignment. 18990

(E) No person shall knowingly deliver, or attempt to deliver, 18991
to any person who is confined in a detention facility, to a child 18992
confined in a youth services facility, or to a prisoner who is 18993
temporarily released from confinement for a work assignment a 18994
cellular telephone, two-way radio, or other electronic 18995
communications device. 18996

(F)(1) It is an affirmative defense to a charge under 18997
division (A)(1) of this section that the weapon or dangerous 18998
ordnance in question was being transported in a motor vehicle for 18999

any lawful purpose, that it was not on the actor's person, and, if 19000
the weapon or dangerous ordnance in question was a firearm, that 19001
it was unloaded and was being carried in a closed package, box, or 19002
case or in a compartment that can be reached only by leaving the 19003
vehicle. 19004

(2) It is an affirmative defense to a charge under division 19005
(C) of this section that the actor was not otherwise prohibited by 19006
law from delivering the item to the confined person, the child, 19007
the prisoner, or the patient and that either of the following 19008
applies: 19009

(a) The actor was permitted by the written rules of the 19010
detention facility or the institution, office building, or other 19011
place to deliver the item to the confined person or the patient. 19012

(b) The actor was given written authorization by the person 19013
in charge of the detention facility or the institution, office 19014
building, or other place to deliver the item to the confined 19015
person or the patient. 19016

(G)(1) Whoever violates division (A)(1) of this section or 19017
commits a violation of division (C) of this section involving an 19018
item listed in division (A)(1) of this section is guilty of 19019
illegal conveyance of weapons onto the grounds of a specified 19020
governmental facility, a felony of the third degree. If the 19021
offender is an officer or employee of the department of 19022
rehabilitation and correction, the court shall impose a mandatory 19023
prison term from the range of definite prison terms prescribed in 19024
division (A)(3)(b) of section 2929.14 of the Revised Code for a 19025
felony of the third degree. 19026

(2) Whoever violates division (A)(2) of this section or 19027
commits a violation of division (C) of this section involving any 19028
drug of abuse is guilty of illegal conveyance of drugs of abuse 19029
onto the grounds of a specified governmental facility, a felony of 19030

the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the fifth degree.

Sec. 2927.02. (A) As used in this section and sections 2927.021 and 2927.022 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a

commercially available database, or aggregate of databases, that 19062
regularly are used by government and businesses for the purpose of 19063
age and identity verification to personal information provided 19064
during an internet sale or other remote method of sale to 19065
establish that the purchaser is twenty-one years of age or older. 19066

(2)(a) "Alternative nicotine product" means, subject to 19067
division (A)(2)(b) of this section, an electronic smoking device, 19068
vapor product, or any other product or device that consists of or 19069
contains nicotine that can be ingested into the body by any means, 19070
including, but not limited to, chewing, smoking, absorbing, 19071
dissolving, or inhaling. 19072

(b) "Alternative nicotine product" does not include any of 19073
the following: 19074

(i) Any cigarette or other tobacco product; 19075

(ii) Any product that is a "drug" as that term is defined in 19076
21 U.S.C. 321(g)(1); 19077

(iii) Any product that is a "device" as that term is defined 19078
in 21 U.S.C. 321(h); 19079

(iv) Any product that is a "combination product" as described 19080
in 21 U.S.C. 353(g). 19081

(3) "Cigarette" includes clove cigarettes and hand-rolled 19082
cigarettes. 19083

(4) "Distribute" means to furnish, give, or provide 19084
cigarettes, other tobacco products, alternative nicotine products, 19085
or papers used to roll cigarettes to the ultimate consumer of the 19086
cigarettes, other tobacco products, alternative nicotine products, 19087
or papers used to roll cigarettes. 19088

(5) "Electronic smoking device" means any device that can be 19089
used to deliver aerosolized or vaporized nicotine or any other 19090
substance to the person inhaling from the device including an 19091

electronic cigarette, electronic cigar, electronic hookah, vaping 19092
pen, or electronic pipe. "Electronic smoking device" includes any 19093
component, part, or accessory of such a device, whether or not 19094
sold separately, and includes any substance intended to be 19095
aerosolized or vaporized during the use of the device. "Electronic 19096
smoking device" does not include any product that is a drug, 19097
device, or combination product, as those terms are defined or 19098
described in 21 U.S.C. 321 and 353(g). 19099

(6) "Proof of age" means a driver's license, a commercial 19100
driver's license, a military identification card, a passport, or 19101
an identification card issued under sections 4507.50 to 4507.52 of 19102
the Revised Code that shows that a person is eighteen years of age 19103
or older. 19104

(7) "Tobacco product" means any product that is made or 19105
derived from tobacco or that contains any form of nicotine, if it 19106
is intended for human consumption or is likely to be consumed, 19107
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 19108
ingested by any other means, including, but not limited to, a 19109
cigarette, an electronic smoking device, a cigar, pipe tobacco, 19110
chewing tobacco, snuff, or snus. "Tobacco product" also means any 19111
component or accessory used in the consumption of a tobacco 19112
product, such as filters, rolling papers, pipes, blunt or hemp 19113
wraps, and liquids used in electronic smoking devices, whether or 19114
not they contain nicotine. "Tobacco product" does not include any 19115
product that is a drug, device, or combination product, as those 19116
terms are defined or described in 21 U.S.C. 321 and 353(g). 19117

(8) "Vapor product" means a product, other than a cigarette 19118
or other tobacco product as defined in Chapter 5743. of the 19119
Revised Code, that contains or is made or derived from nicotine 19120
and that is intended and marketed for human consumption, including 19121
by smoking, inhaling, snorting, or sniffing. "Vapor product" 19122
includes any component, part, or additive that is intended for use 19123

in an electronic smoking device, a mechanical heating element, 19124
battery, or electronic circuit and is used to deliver the product. 19125
"Vapor product" does not include any product that is a drug, 19126
device, or combination product, as those terms are defined or 19127
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 19128
any product containing nicotine, regardless of concentration. 19129

(9) "Vending machine" has the same meaning as "coin machine" 19130
in section 2913.01 of the Revised Code. 19131

(B) No manufacturer, producer, distributor, wholesaler, or 19132
retailer of cigarettes, other tobacco products, alternative 19133
nicotine products, or papers used to roll cigarettes, no agent, 19134
employee, or representative of a manufacturer, producer, 19135
distributor, wholesaler, or retailer of cigarettes, other tobacco 19136
products, alternative nicotine products, or papers used to roll 19137
cigarettes, and no other person shall do any of the following: 19138

(1) Give, sell, or otherwise distribute cigarettes, other 19139
tobacco products, alternative nicotine products, or papers used to 19140
roll cigarettes to any person under twenty-one years of age; 19141

(2) Give away, sell, or distribute cigarettes, other tobacco 19142
products, alternative nicotine products, or papers used to roll 19143
cigarettes in any place that does not have posted in a conspicuous 19144
place a legibly printed sign in letters at least one-half inch 19145
high stating that giving, selling, or otherwise distributing 19146
cigarettes, other tobacco products, alternative nicotine products, 19147
or papers used to roll cigarettes to a person under twenty-one 19148
years of age is prohibited by law; 19149

(3) Knowingly furnish any false information regarding the 19150
name, age, or other identification of any person under twenty-one 19151
years of age with purpose to obtain cigarettes, other tobacco 19152
products, alternative nicotine products, or papers used to roll 19153
cigarettes for that person; 19154

(4) Manufacture, sell, or distribute in this state any pack	19155
or other container of cigarettes containing fewer than twenty	19156
cigarettes or any package of roll-your-own tobacco containing less	19157
than six-tenths of one ounce of tobacco;	19158
(5) Sell cigarettes or alternative nicotine products in a	19159
smaller quantity than that placed in the pack or other container	19160
by the manufacturer;	19161
(6) Give, sell, or otherwise distribute alternative nicotine	19162
products, papers used to roll cigarettes, or tobacco products	19163
other than cigarettes over the internet or through another remote	19164
method without age verification;	19165
<u>(7) Allow an employee under eighteen years of age to sell any</u>	19166
<u>tobacco product.</u>	19167
(C) No person shall sell or offer to sell cigarettes, other	19168
tobacco products, or alternative nicotine products by or from a	19169
vending machine, except in the following locations:	19170
(1) An area within a factory, business, office, or other	19171
place not open to the general public;	19172
(2) An area to which persons under twenty-one years of age	19173
are not generally permitted access;	19174
(3) Any other place not identified in division (C)(1) or (2)	19175
of this section, upon all of the following conditions:	19176
(a) The vending machine is located within the immediate	19177
vicinity, plain view, and control of the person who owns or	19178
operates the place, or an employee of that person, so that all	19179
cigarettes, other tobacco product, and alternative nicotine	19180
product purchases from the vending machine will be readily	19181
observed by the person who owns or operates the place or an	19182
employee of that person. For the purpose of this section, a	19183
vending machine located in any unmonitored area, including an	19184

unmonitored coatroom, restroom, hallway, or outer waiting area, 19185
shall not be considered located within the immediate vicinity, 19186
plain view, and control of the person who owns or operates the 19187
place, or an employee of that person. 19188

(b) The vending machine is inaccessible to the public when 19189
the place is closed. 19190

(c) A clearly visible notice is posted in the area where the 19191
vending machine is located that states the following in letters 19192
that are legibly printed and at least one-half inch high: 19193

"It is illegal for any person under the age of 21 to purchase 19194
tobacco or alternative nicotine products." 19195

(D) The following are affirmative defenses to a charge under 19196
division (B)(1) of this section: 19197

(1) The person under twenty-one years of age was accompanied 19198
by a parent, spouse who is twenty-one years of age or older, or 19199
legal guardian of the person under twenty-one years of age. 19200

(2) The person who gave, sold, or distributed cigarettes, 19201
other tobacco products, alternative nicotine products, or papers 19202
used to roll cigarettes to a person under twenty-one years of age 19203
under division (B)(1) of this section is a parent, spouse who is 19204
twenty-one years of age or older, or legal guardian of the person 19205
under twenty-one years of age. 19206

(E)(1) It is not a violation of division (B)(1) or (2) of 19207
this section for a person to give or otherwise distribute to a 19208
person under twenty-one years of age cigarettes, other tobacco 19209
products, alternative nicotine products, or papers used to roll 19210
cigarettes while the person under twenty-one years of age is 19211
participating in a research protocol if all of the following 19212
apply: 19213

~~(1)~~(a) The parent, guardian, or legal custodian of the person 19214

under twenty-one years of age has consented in writing to the 19215
person under twenty-one years of age participating in the research 19216
protocol. 19217

~~(2)~~(b) An institutional human subjects protection review 19218
board, or an equivalent entity, has approved the research 19219
protocol. 19220

~~(3)~~(c) The person under twenty-one years of age is 19221
participating in the research protocol at the facility or location 19222
specified in the research protocol. 19223

(2) It is not a violation of division (B)(1) or (2) of this 19224
section for an employer to permit an employee eighteen, nineteen, 19225
or twenty years of age to sell a tobacco product. 19226

(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ 19227
(6), or (7) or (C) of this section is guilty of illegal 19228
distribution of cigarettes, other tobacco products, or alternative 19229
nicotine products. Except as otherwise provided in this division, 19230
illegal distribution of cigarettes, other tobacco products, or 19231
alternative nicotine products is a misdemeanor of the fourth 19232
degree. If the offender previously has been convicted of a 19233
violation of division (B)(1), (2), (4), (5), ~~or (6)~~, or (7) or (C) 19234
of this section, illegal distribution of cigarettes, other tobacco 19235
products, or alternative nicotine products is a misdemeanor of the 19236
third degree. 19237

(2) Whoever violates division (B)(3) of this section is 19238
guilty of permitting a person under twenty-one years of age to use 19239
cigarettes, other tobacco products, or alternative nicotine 19240
products. Except as otherwise provided in this division, 19241
permitting a person under twenty-one years of age to use 19242
cigarettes, other tobacco products, or alternative nicotine 19243
products is a misdemeanor of the fourth degree. If the offender 19244
previously has been convicted of a violation of division (B)(3) of 19245

this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(G) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender

shall serve all of the prison terms so imposed prior to serving 19278
the community control sanction. 19279

The duration of all community control sanctions imposed on an 19280
offender under this division shall not exceed five years. If the 19281
offender absconds or otherwise leaves the jurisdiction of the 19282
court in which the offender resides without obtaining permission 19283
from the court or the offender's probation officer to leave the 19284
jurisdiction of the court, or if the offender is confined in any 19285
institution for the commission of any offense while under a 19286
community control sanction, the period of the community control 19287
sanction ceases to run until the offender is brought before the 19288
court for its further action. If the court sentences the offender 19289
to one or more nonresidential sanctions under section 2929.17 of 19290
the Revised Code, the court shall impose as a condition of the 19291
nonresidential sanctions that, during the period of the sanctions, 19292
the offender must abide by the law and must not leave the state 19293
without the permission of the court or the offender's probation 19294
officer. The court may impose any other conditions of release 19295
under a community control sanction that the court considers 19296
appropriate, including, but not limited to, requiring that the 19297
offender not ingest or be injected with a drug of abuse and submit 19298
to random drug testing as provided in division (D) of this section 19299
to determine whether the offender ingested or was injected with a 19300
drug of abuse and requiring that the results of the drug test 19301
indicate that the offender did not ingest or was not injected with 19302
a drug of abuse. 19303

(2)(a) If a court sentences an offender to any community 19304
control sanction or combination of community control sanctions 19305
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 19306
Revised Code, the court shall place the offender under the general 19307
control and supervision of a department of probation in the county 19308
that serves the court for purposes of reporting to the court a 19309

violation of any condition of the sanctions, any condition of 19310
release under a community control sanction imposed by the court, a 19311
violation of law, or the departure of the offender from this state 19312
without the permission of the court or the offender's probation 19313
officer. Alternatively, if the offender resides in another county 19314
and a county department of probation has been established in that 19315
county or that county is served by a multicounty probation 19316
department established under section 2301.27 of the Revised Code, 19317
the court may request the court of common pleas of that county to 19318
receive the offender into the general control and supervision of 19319
that county or multicounty department of probation for purposes of 19320
reporting to the court a violation of any condition of the 19321
sanctions, any condition of release under a community control 19322
sanction imposed by the court, a violation of law, or the 19323
departure of the offender from this state without the permission 19324
of the court or the offender's probation officer, subject to the 19325
jurisdiction of the trial judge over and with respect to the 19326
person of the offender, and to the rules governing that department 19327
of probation. 19328

If there is no department of probation in the county that 19329
serves the court, the court shall place the offender, regardless 19330
of the offender's county of residence, under the general control 19331
and supervision of the adult parole authority or an entity 19332
authorized under division (B) of section 2301.27 of the Revised 19333
Code to provide probation and supervisory services to counties for 19334
purposes of reporting to the court a violation of any of the 19335
sanctions, any condition of release under a community control 19336
sanction imposed by the court, a violation of law, or the 19337
departure of the offender from this state without the permission 19338
of the court or the offender's probation officer. 19339

(b) If the court imposing sentence on an offender sentences 19340
the offender to any community control sanction or combination of 19341

community control sanctions authorized pursuant to section 19342
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 19343
offender violates any condition of the sanctions, violates any 19344
condition of release under a community control sanction imposed by 19345
the court, violates any law, or departs the state without the 19346
permission of the court or the offender's probation officer, the 19347
public or private person or entity that operates or administers 19348
the sanction or the program or activity that comprises the 19349
sanction shall report the violation or departure directly to the 19350
sentencing court, or shall report the violation or departure to 19351
the county or multicounty department of probation with general 19352
control and supervision over the offender under division (A)(2)(a) 19353
of this section or the officer of that department who supervises 19354
the offender, or, if there is no such department with general 19355
control and supervision over the offender under that division, to 19356
the adult parole authority or an entity authorized under division 19357
(B) of section 2301.27 of the Revised Code to provide probation 19358
and supervisory services to the county. If the public or private 19359
person or entity that operates or administers the sanction or the 19360
program or activity that comprises the sanction reports the 19361
violation or departure to the county or multicounty department of 19362
probation, the adult parole authority, or any other entity 19363
providing probation and supervisory services to the county, the 19364
department's, authority's, or other entity's officers may treat 19365
the offender as if the offender were on probation and in violation 19366
of the probation, and shall report the violation of the condition 19367
of the sanction, any condition of release under a community 19368
control sanction imposed by the court, the violation of law, or 19369
the departure from the state without the required permission to 19370
the sentencing court. 19371

(3) If an offender who is eligible for community control 19372
sanctions under this section admits to being drug addicted or the 19373
court has reason to believe that the offender is drug addicted, 19374

and if the offense for which the offender is being sentenced was 19375
related to the addiction, the court may require that the offender 19376
be assessed by a properly credentialed professional within a 19377
specified period of time and shall require the professional to 19378
file a written assessment of the offender with the court. If a 19379
court imposes treatment and recovery support services as a 19380
community control sanction, the court shall direct the level and 19381
type of treatment and recovery support services after 19382
consideration of the written assessment, if available at the time 19383
of sentencing, and recommendations of the professional and other 19384
treatment and recovery support services providers. 19385

(4) If an assessment completed pursuant to division (A)(3) of 19386
this section indicates that the offender is addicted to drugs or 19387
alcohol, the court may include in any community control sanction 19388
imposed for a violation of section 2925.02, 2925.03, 2925.04, 19389
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 19390
2925.37 of the Revised Code a requirement that the offender 19391
participate in alcohol and drug addiction services and recovery 19392
supports certified under section 5119.36 of the Revised Code or 19393
offered by a properly credentialed community addiction services 19394
provider. 19395

(B)(1) If the conditions of a community control sanction 19396
imposed for a felony are violated or if the offender violates a 19397
law or leaves the state without the permission of the court or the 19398
offender's probation officer, the sentencing court may impose on 19399
the violator one or more of the following penalties: 19400

(a) A longer time under the same sanction if the total time 19401
under the sanctions does not exceed the five-year limit specified 19402
in division (A) of this section; 19403

(b) A more restrictive sanction under section 2929.16, 19404
2929.17, or 2929.18 of the Revised Code, including but not limited 19405
to, a new term in a community-based correctional facility, halfway 19406

house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code; 19407
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(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable: 19409
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(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies. 19413
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(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense , the prison term shall not exceed one hundred eighty days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than one hundred eighty days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies. 19424
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(2)(a) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a 19436
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minor drug possession offense, as defined in section 2925.11 of 19439
the Revised Code, the sentencing court may consider the offender's 19440
conduct in seeking or obtaining medical assistance for another in 19441
good faith or for self or may consider the offender being the 19442
subject of another person seeking or obtaining medical assistance 19443
in accordance with that division as a mitigating factor before 19444
imposing any of the penalties described in division (B)(1) of this 19445
section. 19446

(b) If a court imposes a prison term on an offender under 19447
division (B)(1)(c)(i) or (ii) of this section for a technical 19448
violation of the conditions of a community control sanction, one 19449
of the following is applicable with respect to the time that the 19450
offender spends in prison under the term: 19451

(i) Subject to division (B)(2)(b)(ii) of this section, it 19452
shall be credited against the offender's community control 19453
sanction that was being served at the time of the violation, and 19454
the remaining time under that community control sanction shall be 19455
reduced by the time that the offender spends in prison under the 19456
prison term. The offender upon release from the prison term shall 19457
continue serving the remaining time under the community control 19458
sanction, as reduced under this division. 19459

(ii) If the offender at the time of the violation was serving 19460
a community control sanction as part of a suspended prison 19461
sentence, it shall be credited against the offender's community 19462
control sanction that was being served at the time of the 19463
violation and against the suspended prison sentence, and the 19464
remaining time under that community control sanction and under the 19465
suspended prison sentence shall be reduced by the time that the 19466
offender spends in prison under the prison term. The offender upon 19467
release from the prison term shall continue serving the remaining 19468
time under the community control sanction, as reduced under this 19469
division. 19470

(c) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed ~~the~~ a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this

division shall be within the range of prison terms available as a 19504
minimum term for the offense under division (A)(1)(a) or (2)(a) of 19505
section 2929.14 of the Revised Code. 19506

(C) If an offender, for a significant period of time, 19507
fulfills the conditions of a sanction imposed pursuant to section 19508
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 19509
manner, the court may reduce the period of time under the sanction 19510
or impose a less restrictive sanction, but the court shall not 19511
permit the offender to violate any law or permit the offender to 19512
leave the state without the permission of the court or the 19513
offender's probation officer. 19514

(D)(1) If a court under division (A)(1) of this section 19515
imposes a condition of release under a community control sanction 19516
that requires the offender to submit to random drug testing, the 19517
department of probation, the adult parole authority, or any other 19518
entity that has general control and supervision of the offender 19519
under division (A)(2)(a) of this section may cause the offender to 19520
submit to random drug testing performed by a laboratory or entity 19521
that has entered into a contract with any of the governmental 19522
entities or officers authorized to enter into a contract with that 19523
laboratory or entity under section 341.26, 753.33, or 5120.63 of 19524
the Revised Code. 19525

(2) If no laboratory or entity described in division (D)(1) 19526
of this section has entered into a contract as specified in that 19527
division, the department of probation, the adult parole authority, 19528
or any other entity that has general control and supervision of 19529
the offender under division (A)(2)(a) of this section shall cause 19530
the offender to submit to random drug testing performed by a 19531
reputable public laboratory to determine whether the individual 19532
who is the subject of the drug test ingested or was injected with 19533
a drug of abuse. 19534

(3) A laboratory or entity that has entered into a contract 19535

pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 19536
shall perform the random drug tests under division (D)(1) of this 19537
section in accordance with the applicable standards that are 19538
included in the terms of that contract. A public laboratory shall 19539
perform the random drug tests under division (D)(2) of this 19540
section in accordance with the standards set forth in the policies 19541
and procedures established by the department of rehabilitation and 19542
correction pursuant to section 5120.63 of the Revised Code. An 19543
offender who is required under division (A)(1) of this section to 19544
submit to random drug testing as a condition of release under a 19545
community control sanction and whose test results indicate that 19546
the offender ingested or was injected with a drug of abuse shall 19547
pay the fee for the drug test if the department of probation, the 19548
adult parole authority, or any other entity that has general 19549
control and supervision of the offender requires payment of a fee. 19550
A laboratory or entity that performs the random drug testing on an 19551
offender under division (D)(1) or (2) of this section shall 19552
transmit the results of the drug test to the appropriate 19553
department of probation, the adult parole authority, or any other 19554
entity that has general control and supervision of the offender 19555
under division (A)(2)(a) of this section. 19556

(E) As used in this section, "technical violation" means a 19557
violation of the conditions of a community control sanction 19558
imposed for a felony of the fifth degree, or for a felony of the 19559
fourth degree that is not an offense of violence and is not a 19560
sexually oriented offense, and to which neither of the following 19561
applies: 19562

(1) The violation consists of a new criminal offense that is 19563
a felony or that is a misdemeanor other than a minor misdemeanor, 19564
and the violation is committed while under the community control 19565
sanction. 19566

(2) The violation consists of or includes the offender's 19567

articulated or demonstrated refusal to participate in the 19568
community control sanction imposed on the offender or any of its 19569
conditions, and the refusal demonstrates to the court that the 19570
offender has abandoned the objects of the community control 19571
sanction or condition. 19572

Sec. 2929.19. (A) The court shall hold a sentencing hearing 19573
before imposing a sentence under this chapter upon an offender who 19574
was convicted of or pleaded guilty to a felony and before 19575
resentencing an offender who was convicted of or pleaded guilty to 19576
a felony and whose case was remanded pursuant to section 2953.07 19577
or 2953.08 of the Revised Code. At the hearing, the offender, the 19578
prosecuting attorney, the victim or the victim's representative in 19579
accordance with section 2930.14 of the Revised Code, and, with the 19580
approval of the court, any other person may present information 19581
relevant to the imposition of sentence in the case. The court 19582
shall inform the offender of the verdict of the jury or finding of 19583
the court and ask the offender whether the offender has anything 19584
to say as to why sentence should not be imposed upon the offender. 19585

(B)(1) At the sentencing hearing, the court, before imposing 19586
sentence, shall do all of the following: 19587

(a) Consider the record, any information presented at the 19588
hearing by any person pursuant to division (A) of this section, 19589
and, if one was prepared, the presentence investigation report 19590
made pursuant to section 2951.03 of the Revised Code or Criminal 19591
Rule 32.2, and any victim impact statement made pursuant to 19592
section 2947.051 of the Revised Code; 19593

(b) If the offense was committed when the offender was under 19594
eighteen years of age, in addition to other factors considered, 19595
consider youth and its characteristics as mitigating factors, 19596
including: 19597

(i) The chronological age of the offender at the time of the 19598

offense and that age's hallmark features, including intellectual 19599
capacity, immaturity, impetuosity, and a failure to appreciate 19600
risks and consequences; 19601

(ii) The family and home environment of the offender at the 19602
time of the offense, the offender's inability to control the 19603
offender's surroundings, a history of trauma regarding the 19604
offender, and the offender's school and special education history; 19605

(iii) The circumstances of the offense, including the extent 19606
of the offender's participation in the conduct and the way 19607
familial and peer pressures may have impacted the offender's 19608
conduct; 19609

(iv) Whether the offender might have been charged and 19610
convicted of a lesser offense if not for the incompetencies 19611
associated with youth, such as the offender's inability to deal 19612
with police officers and prosecutors during the offender's 19613
interrogation or possible plea agreement or the offender's 19614
inability to assist the offender's own attorney; 19615

(v) Examples of the offender's rehabilitation, including any 19616
subsequent growth or increase in maturity during confinement. 19617

(2) Subject to division (B)(3) of this section, if the 19618
sentencing court determines at the sentencing hearing that a 19619
prison term is necessary or required, the court shall do all of 19620
the following: 19621

(a) Impose a stated prison term and, if the court imposes a 19622
mandatory prison term, notify the offender that the prison term is 19623
a mandatory prison term; 19624

(b) In addition to any other information, include in the 19625
sentencing entry the name and section reference to the offense or 19626
offenses, the sentence or sentences imposed and whether the 19627
sentence or sentences contain mandatory prison terms, if sentences 19628
are imposed for multiple counts whether the sentences are to be 19629

served concurrently or consecutively, and the name and section 19630
reference of any specification or specifications for which 19631
sentence is imposed and the sentence or sentences imposed for the 19632
specification or specifications; 19633

(c) If the prison term is a non-life felony indefinite prison 19634
term, notify the offender of all of the following: 19635

(i) That it is rebuttably presumed that the offender will be 19636
released from service of the sentence on the expiration of the 19637
minimum prison term imposed as part of the sentence or on the 19638
offender's presumptive earned early release date, as defined in 19639
section 2967.271 of the Revised Code, whichever is earlier; 19640

(ii) That the department of rehabilitation and correction may 19641
rebut the presumption described in division (B)(2)(c)(i) of this 19642
section if, at a hearing held under section 2967.271 of the 19643
Revised Code, the department makes specified determinations 19644
regarding the offender's conduct while confined, the offender's 19645
rehabilitation, the offender's threat to society, the offender's 19646
restrictive housing, if any, while confined, and the offender's 19647
security classification; 19648

(iii) That if, as described in division (B)(2)(c)(ii) of this 19649
section, the department at the hearing makes the specified 19650
determinations and rebuts the presumption, the department may 19651
maintain the offender's incarceration after the expiration of that 19652
minimum term or after that presumptive earned early release date 19653
for the length of time the department determines to be reasonable, 19654
subject to the limitation specified in section 2967.271 of the 19655
Revised Code; 19656

(iv) That the department may make the specified 19657
determinations and maintain the offender's incarceration under the 19658
provisions described in divisions (B)(2)(c)(i) and (ii) of this 19659
section more than one time, subject to the limitation specified in 19660

section 2967.271 of the Revised Code; 19661

(v) That if the offender has not been released prior to the 19662
expiration of the offender's maximum prison term imposed as part 19663
of the sentence, the offender must be released upon the expiration 19664
of that term. 19665

(d) Notify the offender that the offender will be supervised 19666
under section 2967.28 of the Revised Code after the offender 19667
leaves prison if the offender is being sentenced, other than to a 19668
sentence of life imprisonment, for a felony of the first degree or 19669
second degree, for a felony sex offense, or for a felony of the 19670
third degree that is an offense of violence and is not a felony 19671
sex offense. This division applies with respect to all prison 19672
terms imposed for an offense of a type described in this division, 19673
including a non-life felony indefinite prison term and including a 19674
term imposed for any offense of a type described in this division 19675
that is a risk reduction sentence, as defined in section 2967.28 19676
of the Revised Code. If a court imposes a sentence including a 19677
prison term of a type described in division (B)(2)(d) of this 19678
section on or after July 11, 2006, the failure of a court to 19679
notify the offender pursuant to division (B)(2)(d) of this section 19680
that the offender will be supervised under section 2967.28 of the 19681
Revised Code after the offender leaves prison or to include in the 19682
judgment of conviction entered on the journal a statement to that 19683
effect does not negate, limit, or otherwise affect the mandatory 19684
period of supervision that is required for the offender under 19685
division (B) of section 2967.28 of the Revised Code. Section 19686
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 19687
court imposed a sentence including a prison term of a type 19688
described in division (B)(2)(d) of this section and failed to 19689
notify the offender pursuant to division (B)(2)(d) of this section 19690
regarding post-release control or to include in the judgment of 19691
conviction entered on the journal or in the sentence a statement 19692

regarding post-release control. 19693

(e) Notify the offender that the offender may be supervised 19694
under section 2967.28 of the Revised Code after the offender 19695
leaves prison if the offender is being sentenced for a felony of 19696
the third, fourth, or fifth degree that is not subject to division 19697
(B)(2)(d) of this section. This division applies with respect to 19698
all prison terms imposed for an offense of a type described in 19699
this division, including a term imposed for any such offense that 19700
is a risk reduction sentence, as defined in section 2967.28 of the 19701
Revised Code. Section 2929.191 of the Revised Code applies if, 19702
prior to July 11, 2006, a court imposed a sentence including a 19703
prison term of a type described in division (B)(2)(e) of this 19704
section and failed to notify the offender pursuant to division 19705
(B)(2)(e) of this section regarding post-release control or to 19706
include in the judgment of conviction entered on the journal or in 19707
the sentence a statement regarding post-release control. 19708

(f) Notify the offender that, if a period of supervision is 19709
imposed following the offender's release from prison, as described 19710
in division (B)(2)(d) or (e) of this section, and if the offender 19711
violates that supervision or a condition of post-release control 19712
imposed under division (B) of section 2967.131 of the Revised 19713
Code, the parole board may impose a prison term, as part of the 19714
sentence, of up to one-half of the definite prison term originally 19715
imposed upon the offender as the offender's stated prison term or 19716
up to one-half of the minimum prison term originally imposed upon 19717
the offender as part of the offender's stated non-life felony 19718
indefinite prison term. If a court imposes a sentence including a 19719
prison term on or after July 11, 2006, the failure of a court to 19720
notify the offender pursuant to division (B)(2)(f) of this section 19721
that the parole board may impose a prison term as described in 19722
division (B)(2)(f) of this section for a violation of that 19723
supervision or a condition of post-release control imposed under 19724

division (B) of section 2967.131 of the Revised Code or to include 19725
in the judgment of conviction entered on the journal a statement 19726
to that effect does not negate, limit, or otherwise affect the 19727
authority of the parole board to so impose a prison term for a 19728
violation of that nature if, pursuant to division (D)(1) of 19729
section 2967.28 of the Revised Code, the parole board notifies the 19730
offender prior to the offender's release of the board's authority 19731
to so impose a prison term. Section 2929.191 of the Revised Code 19732
applies if, prior to July 11, 2006, a court imposed a sentence 19733
including a prison term and failed to notify the offender pursuant 19734
to division (B)(2)(f) of this section regarding the possibility of 19735
the parole board imposing a prison term for a violation of 19736
supervision or a condition of post-release control. 19737

(g)(i) Determine, notify the offender of, and include in the 19738
sentencing entry the total number of days, including the 19739
sentencing date but excluding conveyance time, that the offender 19740
has been confined for any reason arising out of the offense for 19741
which the offender is being sentenced and by which the department 19742
of rehabilitation and correction must reduce the definite prison 19743
term imposed on the offender as the offender's stated prison term 19744
or, if the offense is an offense for which a non-life felony 19745
indefinite prison term is imposed under division (A)(1)(a) or 19746
(2)(a) of section 2929.14 of the Revised Code, the minimum and 19747
maximum prison terms imposed on the offender as part of that 19748
non-life felony indefinite prison term, under section 2967.191 of 19749
the Revised Code. The court's calculation shall not include the 19750
number of days, if any, that the offender served in the custody of 19751
the department of rehabilitation and correction arising out of any 19752
prior offense for which the prisoner was convicted and sentenced. 19753

(ii) In making a determination under division (B)(2)(g)(i) of 19754
this section, the court shall consider the arguments of the 19755
parties and conduct a hearing if one is requested. 19756

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 2967.191 of the Revised Code.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the

sanction are violated, if the offender commits a violation of any 19819
law, or if the offender leaves this state without the permission 19820
of the court or the offender's probation officer, the court may 19821
impose a longer time under the same sanction, may impose a more 19822
restrictive sanction, or may impose a prison term on the offender 19823
and shall indicate the ~~specific~~ range from which the prison term 19824
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 19825
~~by the court from which shall be~~ the range of prison terms for the 19826
offense that is specified pursuant to section 2929.14 of the 19827
Revised Code and as described in section 2929.15 of the Revised 19828
Code." 19829

(5) Before imposing a financial sanction under section 19830
2929.18 of the Revised Code or a fine under section 2929.32 of the 19831
Revised Code, the court shall consider the offender's present and 19832
future ability to pay the amount of the sanction or fine. 19833

(6) If the sentencing court sentences the offender to a 19834
sanction of confinement pursuant to section 2929.14 or 2929.16 of 19835
the Revised Code that is to be served in a local detention 19836
facility, as defined in section 2929.36 of the Revised Code, and 19837
if the local detention facility is covered by a policy adopted 19838
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 19839
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 19840
and section 2929.37 of the Revised Code, both of the following 19841
apply: 19842

(a) The court shall specify both of the following as part of 19843
the sentence: 19844

(i) If the offender is presented with an itemized bill 19845
pursuant to section 2929.37 of the Revised Code for payment of the 19846
costs of confinement, the offender is required to pay the bill in 19847
accordance with that section. 19848

(ii) If the offender does not dispute the bill described in 19849

division (B)(6)(a)(i) of this section and does not pay the bill by 19850
the times specified in section 2929.37 of the Revised Code, the 19851
clerk of the court may issue a certificate of judgment against the 19852
offender as described in that section. 19853

(b) The sentence automatically includes any certificate of 19854
judgment issued as described in division (B)(6)(a)(ii) of this 19855
section. 19856

(7) The failure of the court to notify the offender that a 19857
prison term is a mandatory prison term pursuant to division 19858
(B)(2)(a) of this section or to include in the sentencing entry 19859
any information required by division (B)(2)(b) of this section 19860
does not affect the validity of the imposed sentence or sentences. 19861
If the sentencing court notifies the offender at the sentencing 19862
hearing that a prison term is mandatory but the sentencing entry 19863
does not specify that the prison term is mandatory, the court may 19864
complete a corrected journal entry and send copies of the 19865
corrected entry to the offender and the department of 19866
rehabilitation and correction, or, at the request of the state, 19867
the court shall complete a corrected journal entry and send copies 19868
of the corrected entry to the offender and department of 19869
rehabilitation and correction. 19870

(C)(1) If the offender is being sentenced for a fourth degree 19871
felony OVI offense under division (G)(1) of section 2929.13 of the 19872
Revised Code, the court shall impose the mandatory term of local 19873
incarceration in accordance with that division, shall impose a 19874
mandatory fine in accordance with division (B)(3) of section 19875
2929.18 of the Revised Code, and, in addition, may impose 19876
additional sanctions as specified in sections 2929.15, 2929.16, 19877
2929.17, and 2929.18 of the Revised Code. The court shall not 19878
impose a prison term on the offender except that the court may 19879
impose a prison term upon the offender as provided in division 19880
(A)(1) of section 2929.13 of the Revised Code. 19881

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall

serve that term as follows: 19913

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 19914
this section, in an institution under the control of the 19915
department of rehabilitation and correction if the term is a 19916
prison term or as otherwise determined by the sentencing court 19917
pursuant to section 2929.16 of the Revised Code if the term is not 19918
a prison term; 19919

(b) In a facility of a type described in division (G)(1) of 19920
section 2929.13 of the Revised Code, if the offender is sentenced 19921
pursuant to that division. 19922

(2) If the term is a prison term, the person may be 19923
imprisoned in a jail that is not a minimum security jail pursuant 19924
to agreement under section 5120.161 of the Revised Code between 19925
the department of rehabilitation and correction and the local 19926
authority that operates the jail. 19927

~~(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 19928
"voluntary county" means any county in which the board of county 19929
commissioners of the county and the administrative judge of the 19930
general division of the court of common pleas of the county enter 19931
into an agreement of the type described in division (B)(3)(b) of 19932
this section and in which the agreement has not been terminated as 19933
described in that division. 19934~~

~~(b) In any voluntary county, the board of county 19935
commissioners of the county and the administrative judge of the 19936
general division of the court of common pleas of the county may 19937
agree to having the county participate in the procedures regarding 19938
local and state confinement established under division (B)(3)(c) 19939
of this section. A board of county commissioners and an 19940
administrative judge of a court of common pleas that enter into an 19941
agreement of the type described in this division may terminate the 19942
agreement, but a termination under this division shall take effect 19943~~

~~only at the end of the state fiscal biennium in which the~~ 19944
~~termination decision is made.~~ 19945

~~(e)~~ Except as provided in division ~~(B)(3)(d)~~ (B)(3)(b) of 19946
this section, on and after ~~July~~ September 1, ~~2018~~2022, no person 19947
sentenced by the court of common pleas of ~~a voluntary~~ any county 19948
to a prison term for a felony of the fifth degree shall serve the 19949
term in an institution under the control of the department of 19950
rehabilitation and correction. The person shall instead serve the 19951
sentence as a term of confinement in a facility of a type 19952
described in division (C) or (D) of this section. Nothing in this 19953
division relieves the state of its obligation to pay for the cost 19954
of confinement of the person in a community-based correctional 19955
facility under division (D) of this section. 19956

~~(d)(b)~~ Division ~~(B)(3)(e)~~ (B)(3)(a) of this section does not 19957
apply to any person to whom any of the following apply: 19958

(i) The felony of the fifth degree was an offense of 19959
violence, as defined in section 2901.01 of the Revised Code, a sex 19960
offense under Chapter 2907. of the Revised Code, a violation of 19961
section 2925.03 of the Revised Code, or any offense for which a 19962
mandatory prison term is required. 19963

(ii) The person previously has been convicted of or pleaded 19964
guilty to any felony offense of violence, as defined in section 19965
2901.01 of the Revised Code, unless the felony of the fifth degree 19966
for which the person is being sentenced is a violation of division 19967
(I)(1) of section 2903.43 of the Revised Code. 19968

(iii) The person previously has been convicted of or pleaded 19969
guilty to any felony sex offense under Chapter 2907. of the 19970
Revised Code. 19971

(iv) The person's sentence is required to be served 19972
concurrently to any other sentence imposed upon the person for a 19973
felony that is required to be served in an institution under the 19974

control of the department of rehabilitation and correction. 19975

(C) A person who is convicted of or pleads guilty to one or 19976
more misdemeanors and who is sentenced to a jail term or term of 19977
imprisonment pursuant to the conviction or convictions shall serve 19978
that term in a county, multicounty, municipal, municipal-county, 19979
or multicounty-municipal jail or workhouse; in a community 19980
alternative sentencing center or district community alternative 19981
sentencing center when authorized by section 307.932 of the 19982
Revised Code; or, if the misdemeanor or misdemeanors are not 19983
offenses of violence, in a minimum security jail. 19984

(D) Nothing in this section prohibits the commitment, 19985
referral, or sentencing of a person who is convicted of or pleads 19986
guilty to a felony to a community-based correctional facility. 19987

Sec. 2953.25. (A) As used in this section: 19988

(1) "Collateral sanction" means a penalty, disability, or 19989
disadvantage that is related to employment or occupational 19990
licensing, however denominated, as a result of the individual's 19991
conviction of or plea of guilty to an offense and that applies by 19992
operation of law in this state whether or not the penalty, 19993
disability, or disadvantage is included in the sentence or 19994
judgment imposed. 19995

"Collateral sanction" does not include imprisonment, 19996
probation, parole, supervised release, forfeiture, restitution, 19997
fine, assessment, or costs of prosecution. 19998

(2) "Decision-maker" includes, but is not limited to, the 19999
state acting through a department, agency, board, commission, or 20000
instrumentality established by the law of this state for the 20001
exercise of any function of government, a political subdivision, 20002
an educational institution, or a government contractor or 20003
subcontractor made subject to this section by contract, law, or 20004

ordinance. 20005

(3) "Department-funded program" means a residential or 20006
nonresidential program that is not a term in a state correctional 20007
institution, that is funded in whole or part by the department of 20008
rehabilitation and correction, and that is imposed as a sanction 20009
for an offense, as part of a sanction that is imposed for an 20010
offense, or as a term or condition of any sanction that is imposed 20011
for an offense. 20012

(4) "Designee" means the person designated by the deputy 20013
director of the division of parole and community services to 20014
perform the duties designated in division (B) of this section. 20015

(5) "Division of parole and community services" means the 20016
division of parole and community services of the department of 20017
rehabilitation and correction. 20018

(6) "Offense" means any felony or misdemeanor under the laws 20019
of this state. 20020

(7) "Political subdivision" has the same meaning as in 20021
section 2969.21 of the Revised Code. 20022

(8) "Discretionary civil impact," "licensing agency," and 20023
"mandatory civil impact" have the same meanings as in section 20024
2961.21 of the Revised Code. 20025

(B)(1) An individual who is subject to one or more collateral 20026
sanctions as a result of being convicted of or pleading guilty to 20027
an offense and who either has served a term in a state 20028
correctional institution for any offense or has spent time in a 20029
department-funded program for any offense may file a petition with 20030
the designee of the deputy director of the division of parole and 20031
community services for a certificate of qualification for 20032
employment. 20033

(2) An individual who is subject to one or more collateral 20034

sanctions as a result of being convicted of or pleading guilty to 20035
an offense and who is not in a category described in division 20036
(B)(1) of this section may file for a certificate of qualification 20037
for employment by doing either of the following: 20038

(a) In the case of an individual who resides in this state, 20039
filing a petition with the court of common pleas of the county in 20040
which the person resides or with the designee of the deputy 20041
director of the division of parole and community services; 20042

(b) In the case of an individual who resides outside of this 20043
state, filing a petition with the court of common pleas of any 20044
county in which any conviction or plea of guilty from which the 20045
individual seeks relief was entered or with the designee of the 20046
deputy director of the division of parole and community services. 20047

(3) A petition under division (B)(1) or (2) of this section 20048
shall be made on a copy of the form prescribed by the division of 20049
parole and community services under division (J) of this section, 20050
shall contain all of the information described in division (F) of 20051
this section, and, except as provided in division (B)(6) of this 20052
section, shall be accompanied by an application fee of fifty 20053
dollars. 20054

(4)(a) Except as provided in division (B)(4)(b) of this 20055
section, an individual may file a petition under division (B)(1) 20056
or (2) of this section at any time after the expiration of 20057
whichever of the following is applicable: 20058

(i) If the offense that resulted in the collateral sanction 20059
from which the individual seeks relief is a felony, at any time 20060
after the expiration of one year from the date of release of the 20061
individual from any period of incarceration in a state or local 20062
correctional facility that was imposed for that offense and all 20063
periods of supervision imposed after release from the period of 20064
incarceration or, if the individual was not incarcerated for that 20065

offense, at any time after the expiration of one year from the 20066
date of the individual's final release from all other sanctions 20067
imposed for that offense. 20068

(ii) If the offense that resulted in the collateral sanction 20069
from which the individual seeks relief is a misdemeanor, at any 20070
time after the expiration of six months from the date of release 20071
of the individual from any period of incarceration in a local 20072
correctional facility that was imposed for that offense and all 20073
periods of supervision imposed after release from the period of 20074
incarceration or, if the individual was not incarcerated for that 20075
offense, at any time after the expiration of six months from the 20076
date of the final release of the individual from all sanctions 20077
imposed for that offense including any period of supervision. 20078

(b) The department of rehabilitation and correction may 20079
establish criteria by rule adopted under Chapter 119. of the 20080
Revised Code that, if satisfied by an individual, would allow the 20081
individual to file a petition before the expiration of six months 20082
or one year from the date of final release, whichever is 20083
applicable under division (B)(4)(a) of this section. 20084

(5)(a) A designee that receives a petition for a certificate 20085
of qualification for employment from an individual under division 20086
(B)(1) or (2) of this section shall review the petition to 20087
determine whether it is complete. If the petition is complete, the 20088
designee shall forward the petition, the application fee, and any 20089
other information the designee possesses that relates to the 20090
petition, to the court of common pleas of the county in which the 20091
individual resides if the individual submitting the petition 20092
resides in this state or, if the individual resides outside of 20093
this state, to the court of common pleas of the county in which 20094
the conviction or plea of guilty from which the individual seeks 20095
relief was entered. 20096

(b) A court of common pleas that receives a petition for a 20097

certificate of qualification for employment from an individual 20098
under division (B)(2) of this section, or that is forwarded a 20099
petition for such a certificate under division (B)(5)(a) of this 20100
section, shall attempt to determine all other courts in this state 20101
in which the individual was convicted of or pleaded guilty to an 20102
offense other than the offense from which the individual is 20103
seeking relief. The court that receives or is forwarded the 20104
petition shall notify all other courts in this state that it 20105
determines under this division were courts in which the individual 20106
was convicted of or pleaded guilty to an offense other than the 20107
offense from which the individual is seeking relief that the 20108
individual has filed the petition and that the court may send 20109
comments regarding the possible issuance of the certificate. 20110

A court of common pleas that receives a petition for a 20111
certificate of qualification for employment under division (B)(2) 20112
of this section shall notify the county's prosecuting attorney 20113
that the individual has filed the petition. 20114

A court of common pleas that receives a petition for a 20115
certificate of qualification for employment under division (B)(2) 20116
of this section, or that is forwarded a petition for qualification 20117
under division (B)(5)(a) of this section may direct the clerk of 20118
court to process and record all notices required in or under this 20119
section. Except as provided in division (B)(6) of this section, 20120
the court shall pay thirty dollars of the application fee into the 20121
state treasury and twenty dollars of the application fee into the 20122
county general revenue fund. 20123

(6) Upon receiving a petition for a certificate of 20124
qualification for employment filed by an individual under division 20125
(B)(1) or (2) of this section, a court of common pleas or the 20126
designee of the deputy director of the division of parole and 20127
community services who receives the petition may waive all or part 20128
of the fifty-dollar filing fee for an applicant who is indigent. 20129

If an application fee is partially waived, the first twenty 20130
dollars of the fee that is collected shall be paid into the county 20131
general revenue fund. Any partial fee collected in excess of 20132
twenty dollars shall be paid into the state treasury. 20133

(C)(1) Upon receiving a petition for a certificate of 20134
qualification for employment filed by an individual under division 20135
(B)(2) of this section or being forwarded a petition for such a 20136
certificate under division (B)(5)(a) of this section, the court 20137
shall review the individual's petition, the individual's criminal 20138
history, all filings submitted by the prosecutor or by the victim 20139
in accordance with rules adopted by the division of parole and 20140
community services, the applicant's military service record, if 20141
applicable, and whether the applicant has an emotional, mental, or 20142
physical condition that is traceable to the applicant's military 20143
service in the armed forces of the United States and that was a 20144
contributing factor in the commission of the offense or offenses, 20145
and all other relevant evidence. The court may order any report, 20146
investigation, or disclosure by the individual that the court 20147
believes is necessary for the court to reach a decision on whether 20148
to approve the individual's petition for a certificate of 20149
qualification for employment. 20150

(2) Upon receiving a petition for a certificate of 20151
qualification for employment filed by an individual under division 20152
(B)(2) of this section or being forwarded a petition for such a 20153
certificate under division (B)(5)(a) of this section, except as 20154
otherwise provided in this division, the court shall decide 20155
whether to issue the certificate within sixty days after the court 20156
receives or is forwarded the completed petition and all 20157
information requested for the court to make that decision. Upon 20158
request of the individual who filed the petition, the court may 20159
extend the sixty-day period specified in this division. 20160

(3) Except as provided in division (C)(5) of this section and 20161

subject to division (C)(7) of this section, a court that receives 20162
an individual's petition for a certificate of qualification for 20163
employment under division (B)(2) of this section or that is 20164
forwarded a petition for such a certificate under division 20165
(B)(5)(a) of this section may issue a certificate of qualification 20166
for employment, at the court's discretion, if the court finds that 20167
the individual has established all of the following by a 20168
preponderance of the evidence: 20169

(a) Granting the petition will materially assist the 20170
individual in obtaining employment or occupational licensing. 20171

(b) The individual has a substantial need for the relief 20172
requested in order to live a law-abiding life. 20173

(c) Granting the petition would not pose an unreasonable risk 20174
to the safety of the public or any individual. 20175

(4) The submission of an incomplete petition by an individual 20176
shall not be grounds for the designee or court to deny the 20177
petition. 20178

(5) Subject to division (C)(6) of this section, an individual 20179
is rebuttably presumed to be eligible for a certificate of 20180
qualification for employment if the court that receives the 20181
individual's petition under division (B)(2) of this section or 20182
that is forwarded a petition under division (B)(5)(a) of this 20183
section finds all of the following: 20184

(a) The application was filed after the expiration of the 20185
applicable waiting period prescribed in division (B)(4) of this 20186
section; 20187

(b) If the offense that resulted in the collateral sanction 20188
from which the individual seeks relief is a felony, at least three 20189
years have elapsed since the date of release of the individual 20190
from any period of incarceration in a state or local correctional 20191
facility that was imposed for that offense and all periods of 20192

supervision imposed after release from the period of incarceration 20193
or, if the individual was not incarcerated for that offense, at 20194
least three years have elapsed since the date of the individual's 20195
final release from all other sanctions imposed for that offense; 20196

(c) If the offense that resulted in the collateral sanction 20197
from which the individual seeks relief is a misdemeanor, at least 20198
one year has elapsed since the date of release of the individual 20199
from any period of incarceration in a local correctional facility 20200
that was imposed for that offense and all periods of supervision 20201
imposed after release from the period of incarceration or, if the 20202
individual was not incarcerated for that offense, at least one 20203
year has elapsed since the date of the final release of the 20204
individual from all sanctions imposed for that offense including 20205
any period of supervision. 20206

(6) An application that meets all of the requirements for the 20207
presumption under division (C)(5) of this section shall be denied 20208
only if the court that receives the petition finds that the 20209
evidence reviewed under division (C)(1) of this section rebuts the 20210
presumption of eligibility for issuance by establishing, by clear 20211
and convincing evidence, that the applicant has not been 20212
rehabilitated. 20213

(7) A certificate of qualification for employment shall not 20214
create relief from any of the following collateral sanctions: 20215

(a) Requirements imposed by Chapter 2950. of the Revised Code 20216
and rules adopted under sections 2950.13 and 2950.132 of the 20217
Revised Code; 20218

(b) A driver's license, commercial driver's license, or 20219
probationary license suspension, cancellation, or revocation 20220
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 20221
Revised Code if the relief sought is available pursuant to section 20222
4510.021 or division (B) of section 4510.13 of the Revised Code; 20223

(c) Restrictions on employment as a prosecutor or law enforcement officer;	20224 20225
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;	20226 20227 20228 20229 20230 20231 20232 20233 20234 20235
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	20236 20237 20238 20239 20240
(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;	20241 20242 20243
(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code;	20244 20245 20246 20247
<u>(h) The denial, limitation, suspension, or revocation of a license that is imposed upon an individual applying for or holding a license issued by the state board of education under Title XXXIII of the Revised Code if the individual is convicted of, pleads guilty to, or is found guilty by a jury or court of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of division (B)(1), (2), (3),</u>	20248 20249 20250 20251 20252 20253 20254

or (4) of section 2919.22 of the Revised Code; a violation of 20255
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 20256
2903.15, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 20257
2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.31, 20258
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 20259
2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.11, 2921.02, 20260
2921.03, 2921.04, 2921.41, 2923.21, or 2925.02 of the Revised 20261
Code; a violation of section 2905.04 of the Revised Code as it 20262
existed prior to July 1, 1996; a violation of section 2919.23 of 20263
the Revised Code that would have been a violation of section 20264
2905.04 of the Revised Code as it existed prior to July 1, 1996, 20265
had the violation been committed prior to that date; felonious 20266
sexual penetration in violation of former section 2907.12 of the 20267
Revised Code; or a violation of an ordinance of a municipal 20268
corporation that is substantively comparable to an offense listed 20269
in this paragraph. 20270

(8) If a court that receives an individual's petition for a 20271
certificate of qualification for employment under division (B)(2) 20272
of this section or that is forwarded a petition for such a 20273
certificate under division (B)(5)(a) of this section denies the 20274
petition, the court shall provide written notice to the individual 20275
of the court's denial. The court may place conditions on the 20276
individual regarding the individual's filing of any subsequent 20277
petition for a certificate of qualification for employment. The 20278
written notice must notify the individual of any conditions placed 20279
on the individual's filing of a subsequent petition for a 20280
certificate of qualification for employment. 20281

If a court of common pleas that receives an individual's 20282
petition for a certificate of qualification for employment under 20283
division (B)(2) of this section or that is forwarded a petition 20284
for such a certificate under division (B)(5)(a) of this section 20285
denies the petition, the individual may appeal the decision to the 20286

court of appeals only if the individual alleges that the denial 20287
was an abuse of discretion on the part of the court of common 20288
pleas. 20289

(D)(1) A certificate of qualification for employment issued 20290
to an individual lifts the automatic bar of a collateral sanction, 20291
and a decision-maker shall consider on a case-by-case basis 20292
whether to grant or deny the issuance or restoration of an 20293
occupational license or an employment opportunity, notwithstanding 20294
the individual's possession of the certificate, without, however, 20295
reconsidering or rejecting any finding made by a designee or court 20296
under division (C)(3) of this section. 20297

(2) The certificate constitutes a rebuttable presumption that 20298
the person's criminal convictions are insufficient evidence that 20299
the person is unfit for the license, employment opportunity, or 20300
certification in question. Notwithstanding the presumption 20301
established under this division, the agency may deny the license 20302
or certification for the person if it determines that the person 20303
is unfit for issuance of the license. 20304

(3) If an employer that has hired a person who has been 20305
issued a certificate of qualification for employment applies to a 20306
licensing agency for a license or certification and the person has 20307
a conviction or guilty plea that otherwise would bar the person's 20308
employment with the employer or licensure for the employer because 20309
of a mandatory civil impact, the agency shall give the person 20310
individualized consideration, notwithstanding the mandatory civil 20311
impact, the mandatory civil impact shall be considered for all 20312
purposes to be a discretionary civil impact, and the certificate 20313
constitutes a rebuttable presumption that the person's criminal 20314
convictions are insufficient evidence that the person is unfit for 20315
the employment, or that the employer is unfit for the license or 20316
certification, in question. 20317

(E) A certificate of qualification for employment does not 20318

grant the individual to whom the certificate was issued relief 20319
from the mandatory civil impacts identified in division (A)(1) of 20320
section 2961.01 or division (B) of section 2961.02 of the Revised 20321
Code. 20322

(F) A petition for a certificate of qualification for 20323
employment filed by an individual under division (B)(1) or (2) of 20324
this section shall include all of the following: 20325

(1) The individual's name, date of birth, and social security 20326
number; 20327

(2) All aliases of the individual and all social security 20328
numbers associated with those aliases; 20329

(3) The individual's residence address, including the city, 20330
county, and state of residence and zip code; 20331

(4) The length of time that the individual has resided in the 20332
individual's current state of residence, expressed in years and 20333
months of residence; 20334

(5) A general statement as to why the individual has filed 20335
the petition and how the certificate of qualification for 20336
employment would assist the individual; 20337

(6) A summary of the individual's criminal history with 20338
respect to each offense that is a disqualification from employment 20339
or licensing in an occupation or profession, including the years 20340
of each conviction or plea of guilty for each of those offenses; 20341

(7) A summary of the individual's employment history, 20342
specifying the name of, and dates of employment with, each 20343
employer; 20344

(8) Verifiable references and endorsements; 20345

(9) The name of one or more immediate family members of the 20346
individual, or other persons with whom the individual has a close 20347
relationship, who support the individual's reentry plan; 20348

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 20349
20350

(11) Any other information required by rule by the department of rehabilitation and correction. 20351
20352

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 20353
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(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence. 20362
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(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person 20367
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has actual knowledge. 20381

(H) A certificate of qualification for employment issued 20382
under this section shall be revoked if the individual to whom the 20383
certificate of qualification for employment was issued is 20384
convicted of or pleads guilty to a felony offense committed 20385
subsequent to the issuance of the certificate of qualification for 20386
employment. The department of rehabilitation and correction shall 20387
periodically review the certificates listed in the database 20388
described in division (K) of this section to identify those that 20389
are subject to revocation under this division. Upon identifying a 20390
certificate of qualification for employment that is subject to 20391
revocation, the department shall note in the database that the 20392
certificate has been revoked, the reason for revocation, and the 20393
effective date of revocation, which shall be the date of the 20394
conviction or plea of guilty subsequent to the issuance of the 20395
certificate. 20396

(I) A designee's forwarding, or failure to forward, a 20397
petition for a certificate of qualification for employment to a 20398
court or a court's issuance, or failure to issue, a petition for a 20399
certificate of qualification for employment to an individual under 20400
division (B) of this section does not give rise to a claim for 20401
damages against the department of rehabilitation and correction or 20402
court. 20403

(J) The division of parole and community services shall adopt 20404
rules in accordance with Chapter 119. of the Revised Code for the 20405
implementation and administration of this section and shall 20406
prescribe the form for the petition to be used under division 20407
(B)(1) or (2) of this section. The form for the petition shall 20408
include places for all of the information specified in division 20409
(F) of this section. 20410

(K) The department of rehabilitation and correction shall 20411
maintain a database that identifies granted certificates and 20412

revoked certificates and tracks the number of certificates granted 20413
and revoked, the industries, occupations, and professions with 20414
respect to which the certificates have been most applicable, and 20415
the types of employers that have accepted the certificates. The 20416
department shall annually create a report that summarizes the 20417
information maintained in the database and shall make the report 20418
available to the public on its internet web site. 20419

Sec. 2967.04. (A) A pardon or commutation may be granted upon 20420
such conditions precedent or subsequent as the governor may 20421
impose, which conditions shall be stated in the warrant. Such 20422
pardon or commutation shall not take effect until the conditions 20423
so imposed are accepted by the convict or prisoner so pardoned or 20424
having ~~his~~ a sentence commuted, and ~~his~~ the convict's or 20425
prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ 20426
the prisoner or convict, and attested by one witness. Such witness 20427
shall go before the clerk of the court of common pleas in whose 20428
office the sentence is recorded and prove the signature of the 20429
convict. The clerk shall thereupon record the warrant, 20430
indorsement, and proof in the journal of the court, which record, 20431
or a duly certified transcript thereof, shall be evidence of such 20432
pardon or commutation, the conditions thereof, and the acceptance 20433
of the conditions. 20434

(B) An unconditional pardon relieves the person to whom it is 20435
granted of all disabilities arising out of the conviction or 20436
convictions from which it is granted. For purposes of this 20437
section, "unconditional pardon" includes a conditional pardon with 20438
respect to which all conditions have been performed or have 20439
transpired. 20440

(C) In the case of an unconditional pardon, the governor may 20441
include as a condition of the pardon that records related to the 20442
conviction be sealed as if the records are related to an offense 20443

that is not otherwise prohibited from being sealed under section 20444
2953.36 of the Revised Code. The governor may issue a writ for the 20445
records related to the pardoned conviction to be sealed. However, 20446
such a writ shall not seal the records required to be kept under 20447
division (E) of section 107.10 of the Revised Code and shall not 20448
have any impact on the governor's office. Other than the records 20449
required to be kept under division (E) of section 107.10 of the 20450
Revised Code, no records of the governor's office related to a 20451
pardon that have been sealed under this division are subject to 20452
public inspection unless directed by the governor. Inspection of 20453
the records or disclosure of information contained in the records 20454
may be made pursuant to division (D) of section 2953.32 of the 20455
Revised Code or as the governor may direct. A disclosure of 20456
records sealed under a writ issued by the governor is not a 20457
criminal offense. 20458

Sec. 2967.17. (A) The adult parole authority, in its 20459
discretion, may grant an administrative release to any of the 20460
following: 20461

(1) A parole violator ~~or~~, release violator, or releasee 20462
serving another felony sentence in a correctional institution 20463
within or without this state for the purpose of consolidation of 20464
the records or if justice would best be served; 20465

(2) A parole violator at large or release violator at large 20466
whose case has been inactive for at least ten years following the 20467
date of declaration of the parole violation or the violation of a 20468
post-release control sanction; 20469

(3) A parolee or releasee taken into custody by the 20470
immigration and naturalization service of the United States 20471
department of justice and deported from the United States. 20472

(B)(1)(a) As used in divisions (B)(2) and (3) of this 20473
section, "position of honor, trust, or profit" has the same 20474

meaning as in section 2929.192 of the Revised Code. 20475

(b) For purposes of divisions (B)(2) and (3) of this section, 20476
a violation of section 2923.32 of the Revised Code or any other 20477
violation or offense that includes as an element a course of 20478
conduct or the occurrence of multiple acts is "committed on or 20479
after ~~the effective date of this amendment~~ May 13, 2008," if the 20480
course of conduct continues, one or more of the multiple acts 20481
occurs, or the subject person's accountability for the course of 20482
conduct or for one or more of the multiple acts continues, on or 20483
after ~~the effective date of this amendment~~ May 13, 2008. 20484

(2) The adult parole authority shall not grant an 20485
administrative release except upon the concurrence of a majority 20486
of the parole board and approval of the chief of the adult parole 20487
authority. An administrative release does not restore for the 20488
person to whom it is granted the rights and privileges forfeited 20489
by conviction as provided in section 2961.01 of the Revised Code. 20490
Any person granted an administrative release under this section 20491
may subsequently apply for a commutation of sentence for the 20492
purpose of regaining the rights and privileges forfeited by 20493
conviction, except that the privilege of circulating or serving as 20494
a witness for the signing of any declaration of candidacy and 20495
petition, voter registration application, or nominating, 20496
initiative, referendum, or recall petition forfeited under section 20497
2961.01 of the Revised Code may not be restored under this section 20498
and except that the privilege of holding a position of honor, 20499
trust, or profit may not be restored under this section to a 20500
person in the circumstances described in division (B)(3) of this 20501
section. 20502

(3) The privilege of holding a position of honor, trust, or 20503
profit may not be restored under this section to a person who was 20504
convicted of or pleaded guilty to committing on or after ~~the~~ 20505
~~effective date of this amendment~~ May 13, 2008, any violation or 20506

offense listed in divisions (C)(2)(c)(i) to (vi) of section 20507
2967.16 of the Revised Code that is a felony. 20508

Sec. 2967.28. (A) As used in this section: 20509

(1) "Monitored time" means the monitored time sanction 20510
specified in section 2929.17 and defined in section 2929.01 of the 20511
Revised Code. 20512

(2) "Deadly weapon" and "dangerous ordnance" have the same 20513
meanings as in section 2923.11 of the Revised Code. 20514

(3) "Felony sex offense" means a violation of a section 20515
contained in Chapter 2907. of the Revised Code that is a felony. 20516

(4) "Risk reduction sentence" means a prison term imposed by 20517
a court, when the court recommends pursuant to section 2929.143 of 20518
the Revised Code that the offender serve the sentence under 20519
section 5120.036 of the Revised Code, and the offender may 20520
potentially be released from imprisonment prior to the expiration 20521
of the prison term if the offender successfully completes all 20522
assessment and treatment or programming required by the department 20523
of rehabilitation and correction under section 5120.036 of the 20524
Revised Code. 20525

(5) "Victim's immediate family" has the same meaning as in 20526
section 2967.12 of the Revised Code. 20527

(6) "Minor drug possession offense" has the same meaning as 20528
in section 2925.11 of the Revised Code. 20529

(7) "Single validated risk assessment tool" means the single 20530
validated risk assessment tool selected by the department of 20531
rehabilitation and correction under section 5120.114 of the 20532
Revised Code. 20533

(B) Each sentence to a prison term, other than a term of life 20534
imprisonment, for a felony of the first degree, for a felony of 20535
the second degree, for a felony sex offense, or for a felony of 20536

the third degree that is an offense of violence and is not a 20537
felony sex offense shall include a requirement that the offender 20538
be subject to a period of post-release control imposed by the 20539
parole board after the offender's release from imprisonment. This 20540
division applies with respect to all prison terms of a type 20541
described in this division, including a term of any such type that 20542
is a risk reduction sentence. If a court imposes a sentence 20543
including a prison term of a type described in this division on or 20544
after July 11, 2006, the failure of a sentencing court to notify 20545
the offender pursuant to division (B)(2)(d) of section 2929.19 of 20546
the Revised Code of this requirement or to include in the judgment 20547
of conviction entered on the journal a statement that the 20548
offender's sentence includes this requirement does not negate, 20549
limit, or otherwise affect the mandatory period of supervision 20550
that is required for the offender under this division. This 20551
division applies with respect to all prison terms of a type 20552
described in this division, including a non-life felony indefinite 20553
prison term. Section 2929.191 of the Revised Code applies if, 20554
prior to July 11, 2006, a court imposed a sentence including a 20555
prison term of a type described in this division and failed to 20556
notify the offender pursuant to division (B)(2)(d) of section 20557
2929.19 of the Revised Code regarding post-release control or to 20558
include in the judgment of conviction entered on the journal or in 20559
the sentence pursuant to division (D)(1) of section 2929.14 of the 20560
Revised Code a statement regarding post-release control. Unless 20561
reduced by the parole board pursuant to division (D) of this 20562
section when authorized under that division, a period of 20563
post-release control required by this division for an offender 20564
shall be of one of the following periods: 20565

(1) For a ~~felony of the first degree or for a~~ felony sex 20566
offense, five years; 20567

(2) For a felony of the first degree that is not a felony sex 20568

offense, up to five years, but not less than two years; 20569

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 20570
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~~(3)~~(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 20572
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or ~~(3)~~(4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to ~~three~~ two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division. 20575
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(D)(1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose ~~upon~~ on a prisoner described in division (B) of this section, shall impose ~~upon~~ on a 20597
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prisoner described in division (C) of this section who is to be 20601
released before the expiration of the prisoner's stated prison 20602
term under a risk reduction sentence, may impose ~~upon~~ on a 20603
prisoner described in division (C) of this section who is not to 20604
be released before the expiration of the prisoner's stated prison 20605
term under a risk reduction sentence, and shall impose ~~upon~~ on a 20606
prisoner described in division (B)(2)(b) of section 5120.031 or in 20607
division (B)(1) of section 5120.032 of the Revised Code, one or 20608
more post-release control sanctions to apply during the prisoner's 20609
period of post-release control. Whenever the board or court 20610
imposes one or more post-release control sanctions ~~upon~~ on a 20611
prisoner, the board or court, in addition to imposing the 20612
sanctions, also shall include as a condition of the post-release 20613
control that the offender not leave the state without permission 20614
of the court or the offender's parole or probation officer and 20615
that the offender abide by the law. The board or court may impose 20616
any other conditions of release under a post-release control 20617
sanction that the board or court considers appropriate, and the 20618
conditions of release may include any community residential 20619
sanction, community nonresidential sanction, or financial sanction 20620
that the sentencing court was authorized to impose pursuant to 20621
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 20622
to the release of a prisoner for whom it will impose one or more 20623
post-release control sanctions under this division, the parole 20624
board or court shall review the prisoner's criminal history, 20625
results from the single validated risk assessment tool ~~selected by~~ 20626
~~the department of rehabilitation and correction under section~~ 20627
~~5120.114 of the Revised Code, all juvenile court adjudications~~ 20628
~~finding the prisoner, while a juvenile, to be a delinquent child,~~ 20629
and the record of the prisoner's conduct while imprisoned. The 20630
parole board or court shall consider any recommendation regarding 20631
post-release control sanctions for the prisoner made by the office 20632
of victims' services. After considering those materials, the board 20633

or court shall determine, for a prisoner described in division (B) 20634
of this section, division (B)(2)(b) of section 5120.031, or 20635
division (B)(1) of section 5120.032 of the Revised Code and for a 20636
prisoner described in division (C) of this section who is to be 20637
released before the expiration of the prisoner's stated prison 20638
term under a risk reduction sentence, which post-release control 20639
sanction or combination of post-release control sanctions is 20640
reasonable under the circumstances or, for a prisoner described in 20641
division (C) of this section who is not to be released before the 20642
expiration of the prisoner's stated prison term under a risk 20643
reduction sentence, whether a post-release control sanction is 20644
necessary and, if so, which post-release control sanction or 20645
combination of post-release control sanctions is reasonable under 20646
the circumstances. In the case of a prisoner convicted of a felony 20647
of the fourth or fifth degree other than a felony sex offense, the 20648
board or court shall presume that monitored time is the 20649
appropriate post-release control sanction unless the board or 20650
court determines that a more restrictive sanction is warranted. A 20651
post-release control sanction imposed under this division takes 20652
effect upon the prisoner's release from imprisonment. 20653

Regardless of whether the prisoner was sentenced to the 20654
prison term prior to, on, or after July 11, 2006, prior to the 20655
release of a prisoner for whom it will impose one or more 20656
post-release control sanctions under this division, the parole 20657
board shall notify the prisoner that, if the prisoner violates any 20658
sanction so imposed or any condition of post-release control 20659
described in division (B) of section 2967.131 of the Revised Code 20660
that is imposed on the prisoner, the parole board may impose a 20661
prison term of up to one-half of the stated prison term originally 20662
imposed ~~upon~~ on the prisoner. 20663

At least thirty days before the prisoner is released from 20664
imprisonment under post-release control, except as otherwise 20665

provided in this paragraph, the department of rehabilitation and 20666
correction shall notify the victim and the victim's immediate 20667
family of the date on which the prisoner will be released, the 20668
period for which the prisoner will be under post-release control 20669
supervision, and the terms and conditions of the prisoner's 20670
post-release control regardless of whether the victim or victim's 20671
immediate family has requested the notification. The notice 20672
described in this paragraph shall not be given to a victim or 20673
victim's immediate family if the victim or the victim's immediate 20674
family has requested pursuant to division (B)(2) of section 20675
2930.03 of the Revised Code that the notice not be provided to the 20676
victim or the victim's immediate family. At least thirty days 20677
before the prisoner is released from imprisonment and regardless 20678
of whether the victim or victim's immediate family has requested 20679
that the notice described in this paragraph be provided or not be 20680
provided to the victim or the victim's immediate family, the 20681
department also shall provide notice of that nature to the 20682
prosecuting attorney in the case and the law enforcement agency 20683
that arrested the prisoner if any officer of that agency was a 20684
victim of the offense. 20685

If the notice given under the preceding paragraph to the 20686
victim or the victim's immediate family is based on an offense 20687
committed prior to March 22, 2013, and if the department of 20688
rehabilitation and correction has not previously successfully 20689
provided any notice to the victim or the victim's immediate family 20690
under division (B), (C), or (D) of section 2930.16 of the Revised 20691
Code with respect to that offense and the offender who committed 20692
it, the notice also shall inform the victim or the victim's 20693
immediate family that the victim or the victim's immediate family 20694
may request that the victim or the victim's immediate family not 20695
be provided any further notices with respect to that offense and 20696
the offender who committed it and shall describe the procedure for 20697
making that request. The department may give the notices to which 20698

the preceding paragraph applies by any reasonable means, including 20699
regular mail, telephone, and electronic mail. If the department 20700
attempts to provide notice to any specified person under the 20701
preceding paragraph but the attempt is unsuccessful because the 20702
department is unable to locate the specified person, is unable to 20703
provide the notice by its chosen method because it cannot 20704
determine the mailing address, electronic mail address, or 20705
telephone number at which to provide the notice, or, if the notice 20706
is sent by mail, the notice is returned, the department shall make 20707
another attempt to provide the notice to the specified person. If 20708
the second attempt is unsuccessful, the department shall make at 20709
least one more attempt to provide the notice. If the notice is 20710
based on an offense committed prior to March 22, 2013, in each 20711
attempt to provide the notice to the victim or victim's immediate 20712
family, the notice shall include the opt-out information described 20713
in this paragraph. The department, in the manner described in 20714
division (D)(2) of section 2930.16 of the Revised Code, shall keep 20715
a record of all attempts to provide the notice, and of all notices 20716
provided, under this paragraph and the preceding paragraph. The 20717
record shall be considered as if it was kept under division (D)(2) 20718
of section 2930.16 of the Revised Code. This paragraph, the 20719
preceding paragraph, and the notice-related provisions of 20720
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 20721
section 2930.16, division (H) of section 2967.12, division 20722
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 20723
2967.26, and division (A)(2) of section 5149.101 of the Revised 20724
Code enacted in the act in which this paragraph and the preceding 20725
paragraph were enacted, shall be known as "Roberta's Law." 20726

(2) If a prisoner who is placed on post-release control under 20727
this section is released before the expiration of the definite 20728
term that is the prisoner's stated prison term or the expiration 20729
of the minimum term that is part of the prisoner's indefinite 20730
prison term imposed under a non-life felony indefinite prison term 20731

by reason of credit earned under section 2967.193 or a reduction 20732
under division (F) of section 2967.271 of the Revised Code and if 20733
the prisoner earned sixty or more days of credit, the adult parole 20734
authority ~~shall~~ may supervise the offender with an active global 20735
positioning system device for the first fourteen days after the 20736
offender's release from imprisonment. This division does not 20737
prohibit or limit the imposition of any post-release control 20738
sanction otherwise authorized by this section. 20739

(3) ~~At any time after~~ After a prisoner is released from 20740
imprisonment and during the period of post-release control 20741
applicable to the releasee, the adult parole authority or, 20742
pursuant to an agreement under section 2967.29 of the Revised 20743
Code, the court may review the releasee's behavior under the 20744
post-release control sanctions imposed upon the releasee under 20745
this section. The authority or court may determine, based upon the 20746
review and in accordance with the standards established under 20747
division (E) of this section, that ~~a more restrictive or a less~~ 20748
~~restrictive sanction is appropriate and may impose a different~~ 20749
~~sanction. The authority also may recommend that the parole board~~ 20750
~~or court increase or reduce the duration of the period of~~ 20751
~~post-release control imposed by the court. If the authority~~ 20752
~~recommends that the board or court increase the duration of~~ 20753
~~post-release control, the board or court shall review the~~ 20754
~~releasee's behavior and may increase the duration of the period of~~ 20755
~~post-release control imposed by the court up to eight years. If~~ 20756
~~the authority recommends that the board or court reduce the~~ 20757
~~duration of control for an offense described in division (B) or~~ 20758
~~(C) of this section, the board or court shall review the~~ 20759
~~releasee's behavior and, subject to divisions (D)(3)(a) to (c) of~~ 20760
~~this section, may reduce the duration of the period of control~~ 20761
~~imposed by the court or, if the period of control was imposed for~~ 20762
~~a non-life felony indefinite prison term, reduce the duration of~~ 20763
~~or terminate the period of control imposed by the court the~~ 20764

releasee has satisfactorily complied with the sanctions imposed, 20765
and if such a determination is made, the authority may recommend a 20766
less restrictive sanction, reduce the period of post-release 20767
control, or, no sooner than the minimum period of time required 20768
under section 2967.16 of the Revised Code, recommend that the 20769
parole board or court terminate the duration of the period of 20770
post-release control. In no case shall the board or court ~~do any~~ 20771
~~of the following:~~ 20772

~~(a) Reduce~~ reduce the duration of the period of control 20773
imposed for ~~an~~ a felony sex offense described in division (B)(1) 20774
of this section ~~to a period less than the length of the definite~~ 20775
~~prison term included in the stated prison term originally imposed~~ 20776
~~on the offender as part of the sentence or, with respect to a~~ 20777
~~stated non life felony indefinite prison term, to a period less~~ 20778
~~than the length of the minimum prison term imposed as part of that~~ 20779
~~stated prison term;~~ 20780

~~(b) Consider any reduction or termination of the duration of~~ 20781
~~the period of control imposed on a releasee prior to the~~ 20782
~~expiration of one year after the commencement of the period of~~ 20783
~~control, if the period of control was imposed for a non life~~ 20784
~~felony indefinite prison term and the releasee's minimum prison~~ 20785
~~term or presumptive earned early release date under that term was~~ 20786
~~extended for any length of time under division (C) or (D) of~~ 20787
~~section 2967.271 of the Revised Code.~~ 20788

~~(c) Permit the releasee to leave the state without permission~~ 20789
~~of the court or the releasee's parole or probation officer.~~ 20790

(4) The department of rehabilitation and correction shall 20791
develop factors that the parole board or court shall consider in 20792
determining under division (D)(3) of this section whether to 20793
terminate the period of control imposed on a releasee ~~for a~~ 20794
~~non life felony indefinite prison term.~~ 20795

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to ~~three~~ two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time ~~upon~~ on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction ~~upon~~ on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole

authority in modifying a releasee's post-release control sanctions	20828
pursuant to division (D)(2) of this section;	20829
(5) Establish standards to be used by the adult parole	20830
authority or parole board in imposing further sanctions under	20831
division (F) of this section on releasees who violate post-release	20832
control sanctions, including standards that do the following:	20833
(a) Classify violations according to the degree of	20834
seriousness;	20835
(b) Define the circumstances under which formal action by the	20836
parole board is warranted;	20837
(c) Govern the use of evidence at violation hearings;	20838
(d) Ensure procedural due process to an alleged violator;	20839
(e) Prescribe nonresidential community control sanctions for	20840
most misdemeanor and technical violations;	20841
(f) Provide procedures for the return of a releasee to	20842
imprisonment for violations of post-release control.	20843
(F)(1) Whenever the parole board imposes one or more	20844
post-release control sanctions upon <u>on</u> an offender under this	20845
section, the offender upon release from imprisonment shall be	20846
under the general jurisdiction of the adult parole authority and	20847
generally shall be supervised by the field services section	20848
through its staff of parole and field officers as described in	20849
section 5149.04 of the Revised Code, as if the offender had been	20850
placed on parole. If the offender upon release from imprisonment	20851
violates the post-release control sanction or any conditions	20852
described in division (A) of section 2967.131 of the Revised Code	20853
that are imposed on the offender, the public or private person or	20854
entity that operates or administers the sanction or the program or	20855
activity that comprises the sanction shall report the violation	20856
directly to the adult parole authority or to the officer of the	20857

authority who supervises the offender. The authority's officers 20858
may treat the offender as if the offender were on parole and in 20859
violation of the parole, and otherwise shall comply with this 20860
section. 20861

(2) If the adult parole authority or, pursuant to an 20862
agreement under section 2967.29 of the Revised Code, the court 20863
determines that a releasee has violated a post-release control 20864
sanction or any conditions described in division (A) of section 20865
2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that 20866
a more restrictive sanction is appropriate, the authority or court 20867
may impose a more restrictive sanction ~~upon~~ on the releasee, in 20868
accordance with the standards established under division (E) of 20869
this section or in accordance with the agreement made under 20870
section 2967.29 of the Revised Code, or may report the violation 20871
to the parole board for a hearing pursuant to division (F)(3) of 20872
this section. The authority or court may not, pursuant to this 20873
division, increase the duration of the releasee's post-release 20874
control or impose as a post-release control sanction a residential 20875
sanction that includes a prison term, but the authority or court 20876
may impose on the releasee any other residential sanction, 20877
nonresidential sanction, or financial sanction that the sentencing 20878
court was authorized to impose pursuant to sections 2929.16, 20879
2929.17, and 2929.18 of the Revised Code. 20880

(3) The parole board or, pursuant to an agreement under 20881
section 2967.29 of the Revised Code, the court may hold a hearing 20882
on any alleged violation by a releasee of a post-release control 20883
sanction or any conditions described in division (A) of section 20884
2967.131 of the Revised Code that are imposed upon the releasee. 20885
If after the hearing the board or court finds that the releasee 20886
violated the sanction or condition, the board or court may 20887
increase the duration of the releasee's post-release control up to 20888
the maximum duration authorized by division (B) or (C) of this 20889

section or impose a more restrictive post-release control 20890
sanction. If a releasee was acting pursuant to division (B)(2)(b) 20891
of section 2925.11 of the Revised Code and in so doing violated 20892
the conditions of a post-release control sanction based on a minor 20893
drug possession offense as defined in that section, the board or 20894
the court may consider the releasee's conduct in seeking or 20895
obtaining medical assistance for another in good faith or for self 20896
or may consider the releasee being the subject of another person 20897
seeking or obtaining medical assistance in accordance with that 20898
division as a mitigating factor before imposing any of the 20899
penalties described in this division. When appropriate, the board 20900
or court may impose as a post-release control sanction a 20901
residential sanction that includes a prison term. The board or 20902
court shall consider a prison term as a post-release control 20903
sanction imposed for a violation of post-release control when the 20904
violation involves a deadly weapon or dangerous ordnance, physical 20905
harm or attempted serious physical harm to a person, or sexual 20906
misconduct. Unless a releasee's stated prison term was reduced 20907
pursuant to section 5120.032 of the Revised Code, the period of a 20908
prison term that is imposed as a post-release control sanction 20909
under this division shall not exceed nine months, and the maximum 20910
cumulative prison term for all violations under this division 20911
shall not exceed one-half of the definite prison term that was the 20912
stated prison term originally imposed ~~upon~~ on the offender as part 20913
of this sentence or, with respect to a stated non-life felony 20914
indefinite prison term, one-half of the minimum prison term that 20915
was imposed as part of that stated prison term originally imposed 20916
~~upon~~ on the offender. If a releasee's stated prison term was 20917
reduced pursuant to section 5120.032 of the Revised Code, the 20918
period of a prison term that is imposed as a post-release control 20919
sanction under this division and the maximum cumulative prison 20920
term for all violations under this division shall not exceed the 20921
period of time not served in prison under the sentence imposed by 20922

the court. The period of a prison term that is imposed as a 20923
post-release control sanction under this division shall not count 20924
as, or be credited toward, the remaining period of post-release 20925
control. If, during the period of the releasee's post-release 20926
control, the releasee serves as a post-release control sanction 20927
the maximum prison time available as a sanction, the post-release 20928
control shall terminate. 20929

If an offender is imprisoned for a felony committed while 20930
under post-release control supervision and is again released on 20931
post-release control for a period of time ~~determined by division~~ 20932
~~(F)(4)(d) of this section~~, the maximum cumulative prison term for 20933
all violations under this division shall not exceed one-half of 20934
the total stated prison terms of the earlier felony, reduced by 20935
any prison term administratively imposed by the parole board or 20936
court, plus one-half of the total stated prison term of the new 20937
felony. 20938

~~(4) Any period of post-release control shall commence upon an~~ 20939
~~offender's actual release from prison. If an offender is serving~~ 20940
~~an indefinite prison term or a life sentence in addition to a~~ 20941
~~stated prison term, the offender shall serve the period of~~ 20942
~~post-release control in the following manner:~~ 20943

~~(a) If a period of post-release control is imposed upon the~~ 20944
~~offender and if the offender also is subject to a period of parole~~ 20945
~~under a life sentence or an indefinite sentence, and if the period~~ 20946
~~of post-release control ends prior to the period of parole, the~~ 20947
~~offender shall be supervised on parole. The offender shall receive~~ 20948
~~credit for post-release control supervision during the period of~~ 20949
~~parole. The offender is not eligible for final release under~~ 20950
~~section 2967.16 of the Revised Code until the post-release control~~ 20951
~~period otherwise would have ended.~~ 20952

~~(b) If a period of post-release control is imposed upon the~~ 20953
~~offender and if the offender also is subject to a period of parole~~ 20954

~~under an indefinite sentence, and if the period of parole ends 20955
prior to the period of post release control, the offender shall be 20956
supervised on post release control. The requirements of parole 20957
supervision shall be satisfied during the post release control 20958
period. 20959~~

~~(c) If an offender is subject to more than one period of 20960
post release control, the period of post release control for all 20961
of the sentences shall be the period of post release control that 20962
expires last, as determined by the parole board or court. Periods 20963
of post release control shall be served concurrently and shall not 20964
be imposed consecutively to each other. 20965~~

~~(d)(G)(1) If an offender is simultaneously subject to a 20966
period of parole under an indefinite or life sentence and a period 20967
of post-release control, or is simultaneously subject to two 20968
periods of post-release control, the period of supervision that 20969
expires last shall determine the length and form of supervision 20970
for all the periods and the related sentences. 20971~~

~~(2) An offender shall receive credit for post-release control 20972
supervision during the period of parole, and shall not be eligible 20973
for final release under section 2967.16 of the Revised Code until 20974
the post-release control period otherwise would have ended. 20975~~

~~(3) If the period of parole ends prior to the end of the 20976
period of post-release control, the requirements of parole 20977
supervision shall be satisfied during the post-release control 20978
period. 20979~~

~~(H)(1) A period of post-release control shall not be imposed 20980
consecutively to any other post-release control period. 20981~~

~~(2) The period of post-release control for a releasee who 20982
commits a felony while under post-release control for an earlier 20983
felony shall be the longer of the period of post-release control 20984
specified for the new felony under division (B) or (C) of this 20985~~

section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court. 20986
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Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law. 20989
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(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order: 20996
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(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding; 21000
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(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets; 21003
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(3) Third, to pay the balance due on any security interest preserved under this chapter; 21007
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(4) Fourth, apply the remaining amounts as follows: 21009

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code; 21010
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(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement 21013
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21015

trust fund of the prosecutor and to the following fund supporting	21016
the law enforcement agency that substantially conducted the	21017
investigation:	21018
(i) The law enforcement trust fund of the county sheriff,	21019
municipal corporation, township, or park district created under	21020
section 511.18 or 1545.01 of the Revised Code;	21021
(ii) The state highway patrol contraband, forfeiture, and	21022
other fund;	21023
(iii) The department of public safety investigative unit	21024
contraband, forfeiture, and other fund;	21025
(iv) The department of taxation enforcement fund;	21026
(v) The board of pharmacy drug law enforcement fund created	21027
by division (B)(1) of section 4729.65 of the Revised Code;	21028
(vi) The medicaid fraud investigation and prosecution fund;	21029
(vii) The bureau of criminal identification and investigation	21030
asset forfeiture and cost reimbursement fund created by section	21031
109.521 of the Revised Code;	21032
(viii) The casino control commission enforcement fund created	21033
by section 3772.36 of the Revised Code;	21034
(ix) The auditor of state investigation and forfeiture trust	21035
fund established under section 117.54 of the Revised Code;	21036
(x) The treasurer of state for deposit into the peace officer	21037
<u>Ohio law enforcement</u> training commission fund if any other state	21038
law enforcement agency substantially conducted the investigation.	21039
In the case of property forfeited for medicaid fraud, any	21040
remaining amount shall be used by the attorney general to	21041
investigate and prosecute medicaid fraud offenses.	21042
If the prosecutor declines to accept any of the remaining	21043
amounts, the amounts shall be applied to the fund of the agency	21044

that substantially conducted the investigation. 21045

(c) If more than one law enforcement agency is substantially 21046
involved in the seizure of property forfeited under this chapter, 21047
the court ordering the forfeiture shall equitably divide the 21048
amounts, after calculating any distribution to the law enforcement 21049
trust fund of the prosecutor pursuant to division (B)(4) of this 21050
section, among the entities that the court determines were 21051
substantially involved in the seizure. 21052

(C)(1) A law enforcement trust fund shall be established by 21053
the prosecutor of each county who intends to receive any remaining 21054
amounts pursuant to this section, by the sheriff of each county, 21055
by the legislative authority of each municipal corporation, by the 21056
board of township trustees of each township that has a township 21057
police department, township or joint police district police force, 21058
or office of the constable, and by the board of park commissioners 21059
of each park district created pursuant to section 511.18 or 21060
1545.01 of the Revised Code that has a park district police force 21061
or law enforcement department, for the purposes of this section. 21062

There is hereby created in the state treasury the state 21063
highway patrol contraband, forfeiture, and other fund, the 21064
department of public safety investigative unit contraband, 21065
forfeiture, and other fund, the medicaid fraud investigation and 21066
prosecution fund, and the department of taxation enforcement fund, 21067
~~and the peace officer training commission fund~~, for the purposes 21068
of this section. 21069

Amounts distributed to any municipal corporation, township, 21070
or park district law enforcement trust fund shall be allocated 21071
from the fund by the legislative authority only to the police 21072
department of the municipal corporation, by the board of township 21073
trustees only to the township police department, township police 21074
district police force, or office of the constable, by the joint 21075
police district board only to the joint police district, and by 21076

the board of park commissioners only to the park district police force or law enforcement department. 21077
21078

(2)(a) No amounts shall be allocated to a fund under this section or used by an agency unless the agency has adopted a written internal control policy that addresses the use of moneys received from the appropriate fund. The appropriate fund shall be expended only in accordance with that policy and, subject to the requirements specified in this section, only for the following purposes: 21079
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(i) To pay the costs of protracted or complex investigations or prosecutions; 21086
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(ii) To provide reasonable technical training or expertise; 21088

(iii) To provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse; 21089
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(iv) To pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; 21093
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(v) For other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, attorney general, auditor of state, prosecutor, county sheriff, legislative authority, department of taxation, Ohio casino control commission, board of township trustees, or board of park commissioners determines to be appropriate. 21098
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(b) The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code, except that it also may be expended 21104
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to pay the costs of emergency action taken under section 3745.13 21108
of the Revised Code relative to the operation of an illegal 21109
methamphetamine laboratory if the forfeited property or money 21110
involved was that of a person responsible for the operation of the 21111
laboratory. 21112

(c) A fund listed in division (B)(4)(b) of this section, 21113
other than the Medicaid fraud investigation and prosecution fund, 21114
shall not be used to meet the operating costs of the agency, 21115
office, or political subdivision that are unrelated to law 21116
enforcement. 21117

(d) Forfeited moneys that are paid into the state treasury to 21118
be deposited into the ~~peace officer~~ Ohio law enforcement training 21119
~~commission~~ fund pursuant to this section shall be used by the 21120
commission only to pay the costs of peace officer training. 21121

(3) Any of the following offices or agencies that receive 21122
amounts under this section during any calendar year shall file a 21123
report with the specified entity, not later than the thirty-first 21124
day of January of the next calendar year, verifying that the 21125
moneys were expended only for the purposes authorized by this 21126
section or other relevant statute and specifying the amounts 21127
expended for each authorized purpose: 21128

(a) Any sheriff or prosecutor shall file the report with the 21129
county auditor. 21130

(b) Any municipal corporation police department shall file 21131
the report with the legislative authority of the municipal 21132
corporation. 21133

(c) Any township police department, township or joint police 21134
district police force, or office of the constable shall file the 21135
report with the board of township trustees of the township. 21136

(d) Any park district police force or law enforcement 21137
department shall file the report with the board of park 21138

commissioners of the park district. 21139

(e) The superintendent of the state highway patrol, the 21140
auditor of state, and the tax commissioner shall file the report 21141
with the attorney general. 21142

(f) The executive director of the state board of pharmacy 21143
shall file the report with the attorney general, verifying that 21144
cash and forfeited proceeds paid into the board of pharmacy drug 21145
law enforcement fund were used only in accordance with section 21146
4729.65 of the Revised Code. 21147

(g) The peace officer training commission shall file a report 21148
with the attorney general, verifying that cash and forfeited 21149
proceeds paid into the ~~peace officer~~ Ohio law enforcement training 21150
~~commission~~ fund pursuant to this section during the prior calendar 21151
year were used by the commission during the prior calendar year 21152
only to pay the costs of peace officer training. 21153

(h) The executive director of the Ohio casino control 21154
commission shall file the report with the attorney general, 21155
verifying that cash and forfeited proceeds paid into the casino 21156
control commission enforcement fund were used only in accordance 21157
with section 3772.36 of the Revised Code. 21158

(D) The written internal control policy of a county sheriff, 21159
prosecutor, municipal corporation police department, township 21160
police department, township or joint police district police force, 21161
office of the constable, or park district police force or law 21162
enforcement department shall provide that at least ten per cent of 21163
the first one hundred thousand dollars of amounts deposited during 21164
each calendar year in the agency's law enforcement trust fund 21165
under this section, and at least twenty per cent of the amounts 21166
exceeding one hundred thousand dollars that are so deposited, 21167
shall be used in connection with community preventive education 21168
programs. The manner of use shall be determined by the sheriff, 21169

prosecutor, department, police force, or office of the constable 21170
after receiving and considering advice on appropriate community 21171
preventive education programs from the county's board of alcohol, 21172
drug addiction, and mental health services, from the county's 21173
alcohol and drug addiction services board, or through appropriate 21174
community dialogue. 21175

The financial records kept under the internal control policy 21176
shall specify the amount deposited during each calendar year in 21177
the portion of that amount that was used pursuant to this 21178
division, and the programs in connection with which the portion of 21179
that amount was so used. 21180

As used in this division, "community preventive education 21181
programs" include, but are not limited to, DARE programs and other 21182
programs designed to educate adults or children with respect to 21183
the dangers associated with using drugs of abuse. 21184

(E) Upon the sale, under this section or section 2981.12 of 21185
the Revised Code, of any property that is required by law to be 21186
titled or registered, the state shall issue an appropriate 21187
certificate of title or registration to the purchaser. If the 21188
state is vested with title and elects to retain property that is 21189
required to be titled or registered under law, the state shall 21190
issue an appropriate certificate of title or registration. 21191

(F) Any failure of a law enforcement officer or agency, 21192
prosecutor, court, or the attorney general to comply with this 21193
section in relation to any property seized does not affect the 21194
validity of the seizure and shall not be considered to be the 21195
basis for suppressing any evidence resulting from the seizure, 21196
provided the seizure itself was lawful. 21197

(G) As used in this section, "Ohio law enforcement training 21198
fund" means the state law enforcement training fund described in 21199
division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 21200

Sec. 3107.11. (A) After the filing of a petition to adopt an adult or a minor, the court shall fix a time and place for hearing the petition. The hearing may take place at any time more than thirty days after the date on which the minor is placed in the home of the petitioner. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing shall be given by the court to all of the following:

(1) Any juvenile court, agency, or person whose consent to the adoption is required by this chapter but who has not consented;

(2) A person whose consent is not required as provided by division (A), (G), (H), or (I) of section 3107.07 of the Revised Code and has not consented;

(3) Any guardian, custodian, or other party who has temporary custody or permanent custody of the child.

Notice shall not be given to a person whose consent is not required as provided by division (B), (C), (D), (E), (F), or (J) of section 3107.07, or section 3107.071, of the Revised Code. Second notice shall not be given to a juvenile court, agency, or person whose consent is not required as provided by division (K) of section 3107.07 of the Revised Code because the court, agency, or person failed to file an objection to the petition within fourteen days after proof was filed pursuant to division (B) of this section that a first notice was given to the court, agency, or person pursuant to division (A)(1) of this section.

(B) Upon the filing of a petition for adoption that alleges that a parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor, the clerk of courts shall send a notice to that parent with the following language in

boldface type and in all capital letters: 21232

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 21233
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 21234
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 21235
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 21236
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 21237
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 21238
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE 21239
EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED 21240
CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN 21241
OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 21242
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 21243
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 21244
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 21245
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 21246
ADOPTION PETITION OR APPEAR AT THE HEARING." 21247

(C) All notices required under this section shall be given as 21248
specified in the Rules of Civil Procedure. Proof of the giving of 21249
notice shall be filed with the court before the petition is heard. 21250

Sec. 3107.15. (A) A final decree of adoption and an 21251
interlocutory order of adoption that has become final as issued by 21252
a court of this state, or a decree issued by a jurisdiction 21253
outside this state as recognized pursuant to section 3107.18 of 21254
the Revised Code, shall have the following effects as to all 21255
matters within the jurisdiction or before a court of this state, 21256
whether issued before or after May 30, 1996: 21257

(1)(a) Except with respect to a spouse of the petitioner and 21258
relatives of the spouse, to relieve the biological or other legal 21259
parents of the adopted person of all parental rights and 21260
responsibilities, and to terminate all legal relationships between 21261
the adopted person and the adopted person's relatives, including 21262

the adopted person's biological or other legal parents, so that, 21263
except as provided under division (A)(1)(b) of this section, the 21264
adopted person thereafter is a stranger to the adopted person's 21265
former relatives for all purposes including inheritance and the 21266
interpretation or construction of documents, statutes, and 21267
instruments, whether executed before or after the adoption is 21268
decreed, which do not expressly include the person by name or by 21269
some designation not based on a parent and child or blood 21270
relationship; 21271

(b) The legal parents of an adopted person may be notified 21272
that a sibling of the adopted person has been placed into 21273
out-of-home care. For the purposes of this division, "sibling" 21274
means a former biological sibling, former legal sibling, or any 21275
person who would have been considered a sibling if not for a 21276
termination or other disruption of parental rights. 21277

(2) To create the relationship of parent and child between 21278
petitioner and the adopted person, as if the adopted person were a 21279
legitimate blood descendant of the petitioner, for all purposes 21280
including inheritance and applicability of statutes, documents, 21281
and instruments, whether executed before or after the adoption is 21282
decreed, and whether executed or created before or after May 30, 21283
1996, which do not expressly exclude an adopted person from their 21284
operation or effect; 21285

(3) Notwithstanding division (A)(2) of this section, a person 21286
who is eighteen years of age or older at the time the person is 21287
adopted, and the adopted person's lineal descendants, are not 21288
included as recipients of gifts, devises, bequests, or other 21289
transfers of property, including transfers in trust made to a 21290
class of persons including, but not limited to, children, 21291
grandchildren, heirs, issue, lineal descendants, and next of kin, 21292
for purposes of inheritance and applicability of statutes, 21293
documents, and instruments, whether executed or created before or 21294

after May 30, 1996, unless the document or instrument expressly 21295
includes the adopted person by name or expressly states that it 21296
includes a person who is eighteen years of age or older at the 21297
time the person is adopted. 21298

(B) Notwithstanding division (A) of this section, if a parent 21299
of a child dies without the relationship of parent and child 21300
having been previously terminated and a spouse of the living 21301
parent thereafter adopts the child, the child's rights from or 21302
through the deceased parent for all purposes, including 21303
inheritance and applicability or construction of documents, 21304
statutes, and instruments, are not restricted or curtailed by the 21305
adoption. 21306

(C) Notwithstanding division (A) of this section, if the 21307
relationship of parent and child has not been terminated between a 21308
parent and that parent's child and a spouse of the other parent of 21309
the child adopts the child, a grandparent's or relative's right to 21310
companionship or visitation pursuant to section 3109.11 of the 21311
Revised Code is not restricted or curtailed by the adoption. 21312

(D) An interlocutory order of adoption, while it is in force, 21313
has the same legal effect as a final decree of adoption. If an 21314
interlocutory order of adoption is vacated, it shall be as though 21315
void from its issuance, and the rights, liabilities, and status of 21316
all affected persons that have not become vested are governed 21317
accordingly. 21318

Sec. 3119.01. (A) As used in the Revised Code, "child support 21319
enforcement agency" means a child support enforcement agency 21320
designated under former section 2301.35 of the Revised Code prior 21321
to October 1, 1997, or a private or government entity designated 21322
as a child support enforcement agency under section 307.981 of the 21323
Revised Code. 21324

(B) As used in this chapter and Chapters 3121., 3123., and 21325

3125. of the Revised Code:	21326
(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.	21327 21328 21329 21330 21331 21332 21333
(2) "Child support order" means either a court child support order or an administrative child support order.	21334 21335
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	21336 21337
(4) "Obligor" means the person who is required to pay support under a support order.	21338 21339
(5) "Support order" means either an administrative child support order or a court support order.	21340 21341
(C) As used in this chapter:	21342
(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	21343 21344 21345
(2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	21346 21347 21348
(3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	21349 21350 21351 21352 21353 21354 21355

(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(6) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(9) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(10) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents.

(11) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this

state, any health insuring corporation, and any legal entity that 21386
is self-insured and provides benefits to its employees or members. 21387

(12) "Gross income" means, except as excluded in division 21388
(C)(12) of this section, the total of all earned and unearned 21389
income from all sources during a calendar year, whether or not the 21390
income is taxable, and includes income from salaries, wages, 21391
overtime pay, and bonuses to the extent described in division (D) 21392
of section 3119.05 of the Revised Code; commissions; royalties; 21393
tips; rents; dividends; severance pay; pensions; interest; trust 21394
income; annuities; social security benefits, including retirement, 21395
disability, and survivor benefits that are not means-tested; 21396
workers' compensation benefits; unemployment insurance benefits; 21397
disability insurance benefits; benefits that are not means-tested 21398
and that are received by and in the possession of the veteran who 21399
is the beneficiary for any service-connected disability under a 21400
program or law administered by the United States department of 21401
veterans' affairs or veterans' administration; spousal support 21402
actually received; and all other sources of income. "Gross income" 21403
includes income of members of any branch of the United States 21404
armed services or national guard, including, amounts representing 21405
base pay, basic allowance for quarters, basic allowance for 21406
subsistence, supplemental subsistence allowance, cost of living 21407
adjustment, specialty pay, variable housing allowance, and pay for 21408
training or other types of required drills; self-generated income; 21409
and potential cash flow from any source. 21410

"Gross income" does not include any of the following: 21411

(a) Benefits received from means-tested government 21412
administered programs, including Ohio works first; prevention, 21413
retention, and contingency; means-tested veterans' benefits; 21414
supplemental security income; supplemental nutrition assistance 21415
program; disability financial assistance; or other assistance for 21416
which eligibility is determined on the basis of income or assets; 21417

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code.

(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children

of the order.	21449
(15)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	21450 21451 21452 21453
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(15)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	21454 21455 21456 21457 21458 21459 21460
(16) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.	21461 21462 21463 21464
(17) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:	21465 21466 21467 21468 21469
(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:	21470 21471 21472
(i) The parent's prior employment experience;	21473
(ii) The parent's education;	21474
(iii) The parent's physical and mental disabilities, if any;	21475
(iv) The availability of employment in the geographic area in which the parent resides;	21476 21477
(v) The prevailing wage and salary levels in the geographic	21478

area in which the parent resides;	21479
(vi) The parent's special skills and training;	21480
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	21481 21482
(viii) The age and special needs of the child for whom child support is being calculated under this section;	21483 21484
(ix) The parent's increased earning capacity because of experience;	21485 21486
(x) The parent's decreased earning capacity because of a felony conviction;	21487 21488
(xi) Any other relevant factor.	21489
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	21490 21491 21492 21493 21494
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	21495 21496
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	21497 21498 21499 21500 21501 21502 21503 21504 21505 21506
(20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined	21507 21508

under section 3119.021 of the Revised Code. 21509

(21) "Split parental rights and responsibilities" means a 21510
situation in which there is more than one child who is the subject 21511
of an allocation of parental rights and responsibilities and each 21512
parent is the residential parent and legal custodian of at least 21513
one of those children. 21514

(22) "Worksheet" means the applicable worksheet created in 21515
rules adopted under section 3119.022 of the Revised Code that is 21516
used to calculate a parent's child support obligation. 21517

Sec. 3301.079. (A)(1) The state board of education 21518
periodically shall adopt statewide academic standards with 21519
emphasis on coherence, focus, and essential knowledge and that are 21520
more challenging and demanding when compared to international 21521
standards for each of grades kindergarten through twelve in 21522
English language arts, mathematics, science, and social studies. 21523

(a) The state board shall ensure that the standards do all of 21524
the following: 21525

(i) Include the essential academic content and skills that 21526
students are expected to know and be able to do at each grade 21527
level that will allow each student to be prepared for 21528
postsecondary instruction and the workplace for success in the 21529
twenty-first century; 21530

(ii) Include the development of skill sets that promote 21531
information, media, and technological literacy; 21532

(iii) Include interdisciplinary, project-based, real-world 21533
learning opportunities; 21534

(iv) Instill life-long learning by providing essential 21535
knowledge and skills based in the liberal arts tradition, as well 21536
as science, technology, engineering, mathematics, and 21537
career-technical education; 21538

(v) Be clearly written, transparent, and understandable by 21539
parents, educators, and the general public. 21540

(b) Not later than July 1, 2012, the state board shall 21541
incorporate into the social studies standards for grades four to 21542
twelve academic content regarding the original texts of the 21543
Declaration of Independence, the Northwest Ordinance, the 21544
Constitution of the United States and its amendments, with 21545
emphasis on the Bill of Rights, and the Ohio Constitution, and 21546
their original context. The state board shall revise the model 21547
curricula and achievement assessments adopted under divisions (B) 21548
and (C) of this section as necessary to reflect the additional 21549
American history and American government content. The state board 21550
shall make available a list of suggested grade-appropriate 21551
supplemental readings that place the documents prescribed by this 21552
division in their historical context, which teachers may use as a 21553
resource to assist students in reading the documents within that 21554
context. 21555

(c) When the state board adopts or revises academic content 21556
standards in social studies, American history, American 21557
government, or science under division (A)(1) of this section, the 21558
state board shall develop such standards independently and not as 21559
part of a multistate consortium. 21560

(2) After completing the standards required by division 21561
(A)(1) of this section, the state board shall adopt standards and 21562
model curricula for instruction in technology, financial literacy 21563
and entrepreneurship, fine arts, and foreign language for grades 21564
kindergarten through twelve. The standards shall meet the same 21565
requirements prescribed in division (A)(1)(a) of this section. 21566

(3) The state board shall adopt the most recent standards 21567
developed by the national association for sport and physical 21568
education for physical education in grades kindergarten through 21569
twelve or shall adopt its own standards for physical education in 21570

those grades and revise and update them periodically. 21571

The department of education shall employ a full-time physical 21572
education coordinator to provide guidance and technical assistance 21573
to districts, community schools, and STEM schools in implementing 21574
the physical education standards adopted under this division. The 21575
superintendent of public instruction shall determine that the 21576
person employed as coordinator is qualified for the position, as 21577
demonstrated by possessing an adequate combination of education, 21578
license, and experience. 21579

(4) Not later than ~~December 31, 2018~~ one year after the 21580
effective date of this amendment, the state board shall ~~adopt~~ 21581
update the standards and a model curriculum for instruction in 21582
computer science in grades kindergarten through twelve, which 21583
shall include standards for introductory and advanced computer 21584
science courses in grades nine through twelve. When developing the 21585
standards and curriculum, the state board shall consider 21586
recommendations from computer science education stakeholder 21587
groups, including teachers and representatives from higher 21588
education, industry, computer science organizations in Ohio, and 21589
national computer science organizations. 21590

Any district or school may utilize the computer science 21591
standards or model curriculum or any part thereof adopted pursuant 21592
to division (A)(4) of this section. However, no district or school 21593
shall be required to utilize all or any part of the standards or 21594
curriculum. 21595

(5) When academic standards have been completed for any 21596
subject area required by this section, the state board shall 21597
inform all school districts, all community schools established 21598
under Chapter 3314. of the Revised Code, all STEM schools 21599
established under Chapter 3326. of the Revised Code, and all 21600
nonpublic schools required to administer the assessments 21601
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 21602

of the content of those standards. Additionally, upon completion 21603
of any academic standards under this section, the department shall 21604
post those standards on the department's web site. 21605

(B)(1) The state board shall adopt a model curriculum for 21606
instruction in each subject area for which updated academic 21607
standards are required by division (A)(1) of this section and for 21608
each of grades kindergarten through twelve that is sufficient to 21609
meet the needs of students in every community. The model 21610
curriculum shall be aligned with the standards, to ensure that the 21611
academic content and skills specified for each grade level are 21612
taught to students, and shall demonstrate vertical articulation 21613
and emphasize coherence, focus, and rigor. When any model 21614
curriculum has been completed, the state board shall inform all 21615
school districts, community schools, and STEM schools of the 21616
content of that model curriculum. 21617

(2) Not later than June 30, 2013, the state board, in 21618
consultation with any office housed in the governor's office that 21619
deals with workforce development, shall adopt model curricula for 21620
grades kindergarten through twelve that embed career connection 21621
learning strategies into regular classroom instruction. 21622

(3) All school districts, community schools, and STEM schools 21623
may utilize the state standards and the model curriculum 21624
established by the state board, together with other relevant 21625
resources, examples, or models to ensure that students have the 21626
opportunity to attain the academic standards. Upon request, the 21627
department shall provide technical assistance to any district, 21628
community school, or STEM school in implementing the model 21629
curriculum. 21630

Nothing in this section requires any school district to 21631
utilize all or any part of a model curriculum developed under this 21632
section. 21633

(C) The state board shall develop achievement assessments 21634
aligned with the academic standards and model curriculum for each 21635
of the subject areas and grade levels required by divisions (A)(1) 21636
and (B)(1) of section 3301.0710 of the Revised Code. 21637

When any achievement assessment has been completed, the state 21638
board shall inform all school districts, community schools, STEM 21639
schools, and nonpublic schools required to administer the 21640
assessment of its completion, and the department shall make the 21641
achievement assessment available to the districts and schools. 21642

~~(D)(1)~~ (D)(1)(a) The state board shall adopt a diagnostic 21643
assessment aligned with the academic standards and model 21644
curriculum for each of grades kindergarten through two in reading, 21645
writing, and mathematics and for grade three in reading and 21646
writing. The diagnostic assessment shall be designed to measure 21647
student comprehension of academic content and mastery of related 21648
skills for the relevant subject area and grade level. ~~Any~~ 21649

(b) Except for the kindergarten readiness assessment 21650
described in section 3301.0715 of the Revised Code, the state 21651
board shall not adopt any diagnostic assessment for grades 21652
kindergarten through three in reading that does not include a 21653
sufficient number of items related to phonological awareness, 21654
phonemic awareness, rapid naming skills, nonsense word fluency, 21655
and correspondence between sounds and letters to identify students 21656
who may need further measures to determine if the students have 21657
dyslexia, as defined in section 3319.80 of the Revised Code. 21658

(c) For each assessment adopted under this section, the 21659
department of education shall require that the test vendor share 21660
information with the school regarding student performance on 21661
identification items related to dyslexia described under division 21662
(D)(1)(b) of this section. The department also shall require the 21663
vendor to provide a summary of such information to the department, 21664
in the manner prescribed by the department. 21665

(d) Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic assessments shall be public records.

(e) Any diagnostic assessment adopted by the state board under division (D) of this section, other than the kindergarten readiness assessment, may be used to meet the requirement to administer a tier one dyslexia screening to students under section 3323.251 of the Revised Code.

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department shall make the diagnostic assessment available to the districts at no cost to the district.

(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

However, beginning with the 2017-2018 school year, both of the following shall apply:

(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;

(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D)(3)(a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code.

(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.

(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields.

If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments.

(G) Whenever the state board adopts standards or model curricula under this section, the department also shall provide information on the use of blended or digital learning in the delivery of the standards or curricula to students in accordance with division (A)(5) of this section.

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

(I) Not later than sixty days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall

present the academic standards or model curricula, as applicable, 21728
in person at a public hearing of the respective committees of the 21729
house of representatives and senate that consider education 21730
legislation. 21731

(J) As used in this section: 21732

(1) "Blended learning" means the delivery of instruction in a 21733
combination of time in a supervised physical location away from 21734
home and online delivery whereby the student has some element of 21735
control over time, place, path, or pace of learning. 21736

(2) "Coherence" means a reflection of the structure of the 21737
discipline being taught. 21738

(3) "Digital learning" means learning facilitated by 21739
technology that gives students some element of control over time, 21740
place, path, or pace of learning. 21741

(4) "Focus" means limiting the number of items included in a 21742
curriculum to allow for deeper exploration of the subject matter. 21743

(5) "Vertical articulation" means key academic concepts and 21744
skills associated with mastery in particular content areas should 21745
be articulated and reinforced in a developmentally appropriate 21746
manner at each grade level so that over time students acquire a 21747
depth of knowledge and understanding in the core academic 21748
disciplines. 21749

Sec. 3301.0712. (A) The state board of education, the 21750
superintendent of public instruction, and the chancellor of higher 21751
education shall develop a system of college and work ready 21752
assessments as described in division (B) of this section to assess 21753
whether each student upon graduating from high school is ready to 21754
enter college or the workforce. Beginning with students who enter 21755
the ninth grade for the first time on or after July 1, 2014, the 21756
system shall replace the Ohio graduation tests prescribed in 21757

division (B)(1) of section 3301.0710 of the Revised Code as a 21758
measure of student academic performance and one determinant of 21759
eligibility for a high school diploma in the manner prescribed by 21760
rule of the state board adopted under division (D) of this 21761
section. 21762

(B) The college and work ready assessment system shall 21763
consist of the following: 21764

(1) Nationally(a) Except as provided in division (B)(1)(b) of 21765
this section, nationally standardized assessments that measure 21766
college and career readiness and are used for college admission. 21767
The assessments shall be selected jointly by the state 21768
superintendent and the chancellor, and one of which shall be 21769
selected by each school district or school to administer to its 21770
students. The assessments prescribed under division (B)(1) of this 21771
section shall be administered to all eleventh-grade students in 21772
the spring of the school year. 21773

(b) Beginning with students who enter the ninth grade for the 21774
first time on or after the first day of July immediately following 21775
the effective date of this amendment, the parent or guardian of a 21776
student may elect not to have a nationally standardized assessment 21777
administered to that student. In that event, the student's school 21778
district or school shall not administer the nationally 21779
standardized assessment to that student. 21780

(2)(a) Except as provided in division (B)(2)(b) of this 21781
section, seven end-of-course examinations, one in each of the 21782
areas of English language arts I, English language arts II, 21783
science, Algebra I, geometry, American history, and American 21784
government. The end-of-course examinations shall be selected 21785
jointly by the state superintendent and the chancellor in 21786
consultation with faculty in the appropriate subject areas at 21787
institutions of higher education of the university system of Ohio. 21788

Advanced placement examinations and international baccalaureate 21789
examinations, as prescribed under section 3313.6013 of the Revised 21790
Code, in the areas of science, American history, and American 21791
government may be used as end-of-course examinations in accordance 21792
with division (B)(4)(a)(i) of this section. Final course grades 21793
for courses taken under any other advanced standing program, as 21794
prescribed under section 3313.6013 of the Revised Code, in the 21795
areas of science, American history, and American government may be 21796
used in lieu of end-of-course examinations in accordance with 21797
division (B)(4)(a)(ii) of this section. 21798

(b) Beginning with students who enter ninth grade for the 21799
first time on or after July 1, 2019, five end-of-course 21800
examinations, one in each areas of English language arts II, 21801
science, Algebra I, American history, and American government. 21802
However, only the end-of-course examinations in English language 21803
arts II and Algebra I shall be required for graduation. 21804

The department of education shall, as necessary to implement 21805
division (B)(2)(b) of this section, seek a waiver from the United 21806
States secretary of education for testing requirements prescribed 21807
under federal law to allow for the use and implementation of 21808
Algebra I as the primary assessment of high school mathematics. If 21809
the department does not receive a waiver under this division, the 21810
end-of-course examinations for students described in division 21811
(B)(2)(b) of this section also shall include an end-of-course 21812
examination in the area of geometry. However, the geometry 21813
end-of-course examination shall not be required for graduation. 21814

(3)(a) Not later than July 1, 2013, each school district 21815
board of education shall adopt interim end-of-course examinations 21816
that comply with the requirements of divisions (B)(3)(b)(i) and 21817
(ii) of this section to assess mastery of American history and 21818
American government standards adopted under division (A)(1)(b) of 21819
section 3301.079 of the Revised Code and the topics required under 21820

division (M) of section 3313.603 of the Revised Code. Each high 21821
school of the district shall use the interim examinations until 21822
the state superintendent and chancellor select end-of-course 21823
examinations in American history and American government under 21824
division (B)(2) of this section. 21825

(b) Not later than July 1, 2014, the state superintendent and 21826
the chancellor shall select the end-of-course examinations in 21827
American history and American government. 21828

(i) The end-of-course examinations in American history and 21829
American government shall require demonstration of mastery of the 21830
American history and American government content for social 21831
studies standards adopted under division (A)(1)(b) of section 21832
3301.079 of the Revised Code and the topics required under 21833
division (M) of section 3313.603 of the Revised Code. 21834

(ii) At least twenty per cent of the end-of-course 21835
examination in American government shall address the topics on 21836
American history and American government described in division (M) 21837
of section 3313.603 of the Revised Code. 21838

(4)(a) Notwithstanding anything to the contrary in this 21839
section, beginning with the 2014-2015 school year, both of the 21840
following shall apply: 21841

(i) If a student is enrolled in an appropriate advanced 21842
placement or international baccalaureate course, that student 21843
shall take the advanced placement or international baccalaureate 21844
examination in lieu of the science, American history, or American 21845
government end-of-course examinations prescribed under division 21846
(B)(2) of this section. The state board shall specify the score 21847
levels for each advanced placement examination and international 21848
baccalaureate examination for purposes of calculating the minimum 21849
cumulative performance score that demonstrates the level of 21850
academic achievement necessary to earn a high school diploma. 21851

(ii) If a student is enrolled in an appropriate course under 21852
any other advanced standing program, as described in section 21853
3313.6013 of the Revised Code, that student shall not be required 21854
to take the science, American history, or American government 21855
end-of-course examination, whichever is applicable, prescribed 21856
under division (B)(2) of this section. Instead, that student's 21857
final course grade shall be used in lieu of the applicable 21858
end-of-course examination prescribed under that section. The state 21859
superintendent, in consultation with the chancellor, shall adopt 21860
guidelines for purposes of calculating the corresponding final 21861
course grades that demonstrate the level of academic achievement 21862
necessary to earn a high school diploma. 21863

Division (B)(4)(a)(ii) of this section shall apply only to 21864
courses for which students receive transcribed credit, as defined 21865
in section 3365.01 of the Revised Code. It shall not apply to 21866
remedial or developmental courses. 21867

(b) No student shall take a substitute examination or 21868
examination prescribed under division (B)(4)(a) of this section in 21869
place of the end-of-course examinations in English language arts 21870
I, English language arts II, Algebra I, or geometry prescribed 21871
under division (B)(2) of this section. 21872

(c) The state board shall consider additional assessments 21873
that may be used, beginning with the 2016-2017 school year, as 21874
substitute examinations in lieu of the end-of-course examinations 21875
prescribed under division (B)(2) of this section. 21876

(5) The state board shall do all of the following: 21877

(a) Determine and designate at least five ranges of scores on 21878
each of the end-of-course examinations prescribed under division 21879
(B)(2) of this section, and substitute examinations prescribed 21880
under division (B)(4) of this section. Not later than sixty days 21881
after the designation of ranges of scores, the state 21882

superintendent, or the state superintendent's designee, shall 21883
conduct a public presentation before the standing committees of 21884
the house of representatives and the senate that consider primary 21885
and secondary education legislation regarding the designated range 21886
of scores. Each range of scores shall be considered to demonstrate 21887
a level of achievement so that any student attaining a score 21888
within such range has achieved one of the following: 21889

- (i) An advanced level of skill; 21890
- (ii) An accelerated level of skill; 21891
- (iii) A proficient level of skill; 21892
- (iv) A basic level of skill; 21893
- (v) A limited level of skill. 21894

(b) Determine a method by which to calculate a cumulative 21895
performance score based on the results of a student's 21896
end-of-course examinations or substitute examinations; 21897

(c) Determine the minimum cumulative performance score that 21898
demonstrates the level of academic achievement necessary to earn a 21899
high school diploma under division (A)(2) of section 3313.618 of 21900
the Revised Code. However, the state board shall not determine a 21901
new minimum cumulative performance score after ~~the effective date~~ 21902
~~of this amendment~~ October 17, 2019. 21903

(d) Develop a table of corresponding score equivalents for 21904
the end-of-course examinations and substitute examinations in 21905
order to calculate student performance consistently across the 21906
different examinations. 21907

A score of two on an advanced placement examination or a 21908
score of two or three on an international baccalaureate 21909
examination shall be considered equivalent to a proficient level 21910
of skill as specified under division (B)(5)(a)(iii) of this 21911
section. 21912

(6)(a) A student who meets both of the following conditions	21913
shall not be required to take an end-of-course examination:	21914
(i) The student received high school credit prior to July 1,	21915
2015, for a course for which the end-of-course examination is	21916
prescribed.	21917
(ii) The examination was not available for administration	21918
prior to July 1, 2015.	21919
Receipt of credit for the course described in division	21920
(B)(6)(a)(i) of this section shall satisfy the requirement to take	21921
the end-of-course examination. A student exempted under division	21922
(B)(6)(a) of this section may take the applicable end-of-course	21923
examination at a later date.	21924
(b) For purposes of determining whether a student who is	21925
exempt from taking an end-of-course examination under division	21926
(B)(6)(a) of this section has attained the cumulative score	21927
prescribed by division (B)(5)(c) of this section, such student	21928
shall select either of the following:	21929
(i) The student is considered to have attained a proficient	21930
score on the end-of-course examination from which the student is	21931
exempt;	21932
(ii) The student's final course grade shall be used in lieu	21933
of a score on the end-of-course examination from which the student	21934
is exempt.	21935
The state superintendent, in consultation with the	21936
chancellor, shall adopt guidelines for purposes of calculating the	21937
corresponding final course grades and the minimum cumulative	21938
performance score that demonstrates the level of academic	21939
achievement necessary to earn a high school diploma.	21940
(7)(a) Notwithstanding anything to the contrary in this	21941
section, the state board may replace the algebra I end-of-course	21942

examination prescribed under division (B)(2) of this section with 21943
an algebra II end-of-course examination, beginning with the 21944
2016-2017 school year for students who enter ninth grade on or 21945
after July 1, 2016. 21946

(b) If the state board replaces the algebra I end-of-course 21947
examination with an algebra II end-of-course examination as 21948
authorized under division (B)(7)(a) of this section, both of the 21949
following shall apply: 21950

(i) A student who is enrolled in an advanced placement or 21951
international baccalaureate course in algebra II shall take the 21952
advanced placement or international baccalaureate examination in 21953
lieu of the algebra II end-of-course examination. 21954

(ii) A student who is enrolled in an algebra II course under 21955
any other advanced standing program, as described in section 21956
3313.6013 of the Revised Code, shall not be required to take the 21957
algebra II end-of-course examination. Instead, that student's 21958
final course grade shall be used in lieu of the examination. 21959

(c) If a school district or school utilizes an integrated 21960
approach to mathematics instruction, the district or school may do 21961
either or both of the following: 21962

(i) Administer an integrated mathematics I end-of-course 21963
examination in lieu of the prescribed algebra I end-of-course 21964
examination; 21965

(ii) Administer an integrated mathematics II end-of-course 21966
examination in lieu of the prescribed geometry end-of-course 21967
examination. 21968

(8)(a) For students entering the ninth grade for the first 21969
time on or after July 1, 2014, but prior to July 1, 2015, the 21970
assessment in the area of science shall be physical science or 21971
biology. For students entering the ninth grade for the first time 21972
on or after July 1, 2015, the assessment in the area of science 21973

shall be biology. 21974

(b) Until July 1, 2019, the department shall make available 21975
the end-of-course examination in physical science for students who 21976
entered the ninth grade for the first time on or after July 1, 21977
2014, but prior to July 1, 2015, and who wish to retake the 21978
examination. 21979

(c) Not later than July 1, 2016, the state board shall adopt 21980
rules prescribing the requirements for the end-of-course 21981
examination in science for students who entered the ninth grade 21982
for the first time on or after July 1, 2014, but prior to July 1, 21983
2015, and who have not met the requirement prescribed by section 21984
3313.618 of the Revised Code by July 1, 2019, due to a student's 21985
failure to satisfy division (A)(2) of section 3313.618 of the 21986
Revised Code. 21987

(9) Neither the state board nor the department of education 21988
shall develop or administer an end-of-course examination in the 21989
area of world history. 21990

(10) Not later than March 1, 2020, the department, in 21991
consultation with the chancellor and the governor's office of 21992
workforce transformation, shall determine a competency score for 21993
both of the Algebra I and English language arts II end-of-course 21994
examinations for the purpose of graduation eligibility. 21995

(C) The state board shall convene a group of national 21996
experts, state experts, and local practitioners to provide advice, 21997
guidance, and recommendations for the alignment of standards and 21998
model curricula to the assessments and in the design of the 21999
end-of-course examinations prescribed by this section. 22000

(D) Upon completion of the development of the assessment 22001
system, the state board shall adopt rules prescribing all of the 22002
following: 22003

(1) A timeline and plan for implementation of the assessment 22004

system, including a phased implementation if the state board 22005
determines such a phase-in is warranted; 22006

(2) The date after which a person shall meet the requirements 22007
of the entire assessment system as a prerequisite for a diploma of 22008
adult education under section 3313.611 of the Revised Code; 22009

(3) Whether and the extent to which a person may be excused 22010
from an American history end-of-course examination and an American 22011
government end-of-course examination under division (H) of section 22012
3313.61 and division (B)(3) of section 3313.612 of the Revised 22013
Code; 22014

(4) The date after which a person who has fulfilled the 22015
curriculum requirement for a diploma but has not passed one or 22016
more of the required assessments at the time the person fulfilled 22017
the curriculum requirement shall meet the requirements of the 22018
entire assessment system as a prerequisite for a high school 22019
diploma under division (B) of section 3313.614 of the Revised 22020
Code; 22021

(5) The extent to which the assessment system applies to 22022
students enrolled in a dropout recovery and prevention program for 22023
purposes of division (F) of section 3313.603 and section 3314.36 22024
of the Revised Code. 22025

(E) Not later than forty-five days prior to the state board's 22026
adoption of a resolution directing the department to file the 22027
rules prescribed by division (D) of this section in final form 22028
under section 119.04 of the Revised Code, the superintendent of 22029
public instruction shall present the assessment system developed 22030
under this section to the respective committees of the house of 22031
representatives and senate that consider education legislation. 22032

(F)(1) Any person enrolled in a nonchartered nonpublic school 22033
or any person who has been excused from attendance at school for 22034
the purpose of home instruction under section 3321.04 of the 22035

Revised Code may choose to participate in the system of 22036
assessments administered under divisions (B)(1) and (2) of this 22037
section. However, no such person shall be required to participate 22038
in the system of assessments. 22039

(2) The department shall adopt rules for the administration 22040
and scoring of any assessments under division (F)(1) of this 22041
section. 22042

(G) Not later than December 31, 2014, the state board shall 22043
select at least one nationally recognized job skills assessment. 22044
Each school district shall administer that assessment to those 22045
students who opt to take it. The state shall reimburse a school 22046
district for the costs of administering that assessment. The state 22047
board shall establish the minimum score a student must attain on 22048
the job skills assessment in order to demonstrate a student's 22049
workforce readiness and employability. The administration of the 22050
job skills assessment to a student under this division shall not 22051
exempt a school district from administering the assessments 22052
prescribed in division (B) of this section to that student. 22053

Sec. 3301.0714. (A) The state board of education shall adopt 22054
rules for a statewide education management information system. The 22055
rules shall require the state board to establish guidelines for 22056
the establishment and maintenance of the system in accordance with 22057
this section and the rules adopted under this section. The 22058
guidelines shall include: 22059

(1) Standards identifying and defining the types of data in 22060
the system in accordance with divisions (B) and (C) of this 22061
section; 22062

(2) Procedures for annually collecting and reporting the data 22063
to the state board in accordance with division (D) of this 22064
section; 22065

(3) Procedures for annually compiling the data in accordance with division (G) of this section;	22066 22067
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	22068 22069
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	22070 22071
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	22072 22073 22074
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	22075 22076 22077
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	22078 22079 22080 22081 22082 22083 22084 22085 22086 22087 22088 22089 22090 22091 22092 22093 22094 22095
(b) The numbers of students receiving support or	22096

extracurricular services for each of the support services or	22097
extracurricular programs offered by the school district, such as	22098
counseling services, health services, and extracurricular sports	22099
and fine arts programs. The categories of services required by the	22100
guidelines under this division shall be the same as the categories	22101
of services used in determining cost units pursuant to division	22102
(C)(4)(a) of this section.	22103
(c) Average student grades in each subject in grades nine	22104
through twelve;	22105
(d) Academic achievement levels as assessed under sections	22106
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	22107
(e) The number of students designated as having a disabling	22108
condition pursuant to division (C)(1) of section 3301.0711 of the	22109
Revised Code;	22110
(f) The numbers of students reported to the state board	22111
pursuant to division (C)(2) of section 3301.0711 of the Revised	22112
Code;	22113
(g) Attendance rates and the average daily attendance for the	22114
year. For purposes of this division, a student shall be counted as	22115
present for any field trip that is approved by the school	22116
administration.	22117
(h) Expulsion rates;	22118
(i) Suspension rates;	22119
(j) Dropout rates;	22120
(k) Rates of retention in grade;	22121
(l) For pupils in grades nine through twelve, the average	22122
number of carnegie units, as calculated in accordance with state	22123
board of education rules;	22124
(m) Graduation rates, to be calculated in a manner specified	22125
by the department of education that reflects the rate at which	22126

students who were in the ninth grade three years prior to the 22127
current year complete school and that is consistent with 22128
nationally accepted reporting requirements; 22129

(n) Results of diagnostic assessments administered to 22130
kindergarten students as required under section 3301.0715 of the 22131
Revised Code to permit a comparison of the academic readiness of 22132
kindergarten students. However, no district shall be required to 22133
report to the department the results of any diagnostic assessment 22134
administered to a kindergarten student, except for the language 22135
and reading assessment described in division (A)(2) of section 22136
3301.0715 of the Revised Code, if the parent of that student 22137
requests the district not to report those results. 22138

(o) Beginning on July 1, 2018, for each disciplinary action 22139
which is required to be reported under division (B)(4) of this 22140
section, districts and schools also shall include an 22141
identification of the person or persons, if any, at whom the 22142
student's violent behavior that resulted in discipline was 22143
directed. The person or persons shall be identified by the 22144
respective classification at the district or school, such as 22145
student, teacher, or nonteaching employee, but shall not be 22146
identified by name. 22147

Division (B)(1)(o) of this section does not apply after the 22148
date that is two years following the submission of the report 22149
required by Section 733.13 of H.B. 49 of the 132nd general 22150
assembly. 22151

(p) The number of students earning each state diploma seal 22152
included in the system prescribed under division (A) of section 22153
3313.6114 of the Revised Code; 22154

(q) The number of students demonstrating competency for 22155
graduation using each option described in divisions (B)(1)(a) to 22156
~~(e)~~(d) of section 3313.618 of the Revised Code; 22157

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school

building in the school district.	22190
(d) The number of lead teachers employed by each school district and each school building.	22191 22192
(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.	22193 22194 22195 22196 22197 22198 22199 22200 22201 22202 22203
(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.	22204 22205 22206 22207 22208
(4) <u>The annual reports submitted by each school district under section 3317.25 of the Revised Code describing the initiative or initiatives on which the district's disadvantaged pupil impact aid were spent;</u>	22209 22210 22211 22212
(5) <u>The average number of students riding on school buses routed to community schools established under Chapter 3314. of the Revised Code in accordance with section 3327.01 of the Revised Code;</u>	22213 22214 22215 22216
(6) <u>The average number of students riding on school buses routed to STEM schools established under Chapter 3326. of the Revised Code in accordance with section 3327.01 of the Revised Code;</u>	22217 22218 22219 22220

<u>(7) The average number of students riding on school buses</u>	22221
<u>routed to nonpublic schools in accordance with section 3327.01 of</u>	22222
<u>the Revised Code;</u>	22223
<u>(8) Any data required to be collected pursuant to federal</u>	22224
law.	22225
(C) The education management information system shall include	22226
cost accounting data for each district as a whole and for each	22227
school building in each school district. The guidelines adopted	22228
under this section shall require the cost data for each school	22229
district to be maintained in a system of mutually exclusive cost	22230
units and shall require all of the costs of each school district	22231
to be divided among the cost units. The guidelines shall require	22232
the system of mutually exclusive cost units to include at least	22233
the following:	22234
(1) Administrative costs for the school district as a whole.	22235
The guidelines shall require the cost units under this division	22236
(C)(1) to be designed so that each of them may be compiled and	22237
reported in terms of average expenditure per pupil in formula	22238
<u>enrolled</u> ADM in the school district, as determined pursuant to	22239
section 3317.03 of the Revised Code.	22240
(2) Administrative costs for each school building in the	22241
school district. The guidelines shall require the cost units under	22242
this division (C)(2) to be designed so that each of them may be	22243
compiled and reported in terms of average expenditure per	22244
full-time equivalent pupil receiving instructional or support	22245
services in each building.	22246
(3) Instructional services costs for each category of	22247
instructional service provided directly to students and required	22248
by guidelines adopted pursuant to division (B)(1)(a) of this	22249
section. The guidelines shall require the cost units under	22250
division (C)(3) of this section to be designed so that each of	22251

them may be compiled and reported in terms of average expenditure 22252
per pupil receiving the service in the school district as a whole 22253
and average expenditure per pupil receiving the service in each 22254
building in the school district and in terms of a total cost for 22255
each category of service and, as a breakdown of the total cost, a 22256
cost for each of the following components: 22257

(a) The cost of each instructional services category required 22258
by guidelines adopted under division (B)(1)(a) of this section 22259
that is provided directly to students by a classroom teacher; 22260

(b) The cost of the instructional support services, such as 22261
services provided by a speech-language pathologist, classroom 22262
aide, multimedia aide, or librarian, provided directly to students 22263
in conjunction with each instructional services category; 22264

(c) The cost of the administrative support services related 22265
to each instructional services category, such as the cost of 22266
personnel that develop the curriculum for the instructional 22267
services category and the cost of personnel supervising or 22268
coordinating the delivery of the instructional services category. 22269

(4) Support or extracurricular services costs for each 22270
category of service directly provided to students and required by 22271
guidelines adopted pursuant to division (B)(1)(b) of this section. 22272
The guidelines shall require the cost units under division (C)(4) 22273
of this section to be designed so that each of them may be 22274
compiled and reported in terms of average expenditure per pupil 22275
receiving the service in the school district as a whole and 22276
average expenditure per pupil receiving the service in each 22277
building in the school district and in terms of a total cost for 22278
each category of service and, as a breakdown of the total cost, a 22279
cost for each of the following components: 22280

(a) The cost of each support or extracurricular services 22281
category required by guidelines adopted under division (B)(1)(b) 22282

of this section that is provided directly to students by a 22283
licensed employee, such as services provided by a guidance 22284
counselor or any services provided by a licensed employee under a 22285
supplemental contract; 22286

(b) The cost of each such services category provided directly 22287
to students by a nonlicensed employee, such as janitorial 22288
services, cafeteria services, or services of a sports trainer; 22289

(c) The cost of the administrative services related to each 22290
services category in division (C)(4)(a) or (b) of this section, 22291
such as the cost of any licensed or nonlicensed employees that 22292
develop, supervise, coordinate, or otherwise are involved in 22293
administering or aiding the delivery of each services category. 22294

(D)(1) The guidelines adopted under this section shall 22295
require school districts to collect information about individual 22296
students, staff members, or both in connection with any data 22297
required by division (B) or (C) of this section or other reporting 22298
requirements established in the Revised Code. The guidelines may 22299
also require school districts to report information about 22300
individual staff members in connection with any data required by 22301
division (B) or (C) of this section or other reporting 22302
requirements established in the Revised Code. The guidelines shall 22303
not authorize school districts to request social security numbers 22304
of individual students. The guidelines shall prohibit the 22305
reporting under this section of a student's name, address, and 22306
social security number to the state board of education or the 22307
department of education. The guidelines shall also prohibit the 22308
reporting under this section of any personally identifiable 22309
information about any student, except for the purpose of assigning 22310
the data verification code required by division (D)(2) of this 22311
section, to any other person unless such person is employed by the 22312
school district or the information technology center operated 22313
under section 3301.075 of the Revised Code and is authorized by 22314

the district or technology center to have access to such 22315
information or is employed by an entity with which the department 22316
contracts for the scoring or the development of state assessments. 22317
The guidelines may require school districts to provide the social 22318
security numbers of individual staff members and the county of 22319
residence for a student. Nothing in this section prohibits the 22320
state board of education or department of education from providing 22321
a student's county of residence to the department of taxation to 22322
facilitate the distribution of tax revenue. 22323

(2)(a) The guidelines shall provide for each school district 22324
or community school to assign a data verification code that is 22325
unique on a statewide basis over time to each student whose 22326
initial Ohio enrollment is in that district or school and to 22327
report all required individual student data for that student 22328
utilizing such code. The guidelines shall also provide for 22329
assigning data verification codes to all students enrolled in 22330
districts or community schools on the effective date of the 22331
guidelines established under this section. The assignment of data 22332
verification codes for other entities, as described in division 22333
(D)(2)(d) of this section, the use of those codes, and the 22334
reporting and use of associated individual student data shall be 22335
coordinated by the department in accordance with state and federal 22336
law. 22337

School districts shall report individual student data to the 22338
department through the information technology centers utilizing 22339
the code. The entities described in division (D)(2)(d) of this 22340
section shall report individual student data to the department in 22341
the manner prescribed by the department. 22342

(b)(i) Except as provided in sections 3301.941, 3310.11, 22343
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 22344
in division (D)(2)(b)(ii) of this section, at no time shall the 22345
state board or the department have access to information that 22346

would enable any data verification code to be matched to 22347
personally identifiable student data. 22348

(ii) For the purpose of making per-pupil payments to 22349
community schools under division (C) of section 3314.08 of the 22350
Revised Code, the department shall have access to information that 22351
would enable any data verification code to be matched to 22352
personally identifiable student data. 22353

(c) Each school district and community school shall ensure 22354
that the data verification code is included in the student's 22355
records reported to any subsequent school district, community 22356
school, or state institution of higher education, as defined in 22357
section 3345.011 of the Revised Code, in which the student 22358
enrolls. Any such subsequent district or school shall utilize the 22359
same identifier in its reporting of data under this section. 22360

(d) The director of any state agency that administers a 22361
publicly funded program providing services to children who are 22362
younger than compulsory school age, as defined in section 3321.01 22363
of the Revised Code, including the directors of health, job and 22364
family services, mental health and addiction services, and 22365
developmental disabilities, shall request and receive, pursuant to 22366
sections 3301.0723 and 5123.0423 of the Revised Code, a data 22367
verification code for a child who is receiving those services. 22368

(E) The guidelines adopted under this section may require 22369
school districts to collect and report data, information, or 22370
reports other than that described in divisions (A), (B), and (C) 22371
of this section for the purpose of complying with other reporting 22372
requirements established in the Revised Code. The other data, 22373
information, or reports may be maintained in the education 22374
management information system but are not required to be compiled 22375
as part of the profile formats required under division (G) of this 22376
section or the annual statewide report required under division (H) 22377
of this section. 22378

(F) Beginning with the school year that begins July 1, 1991, 22379
the board of education of each school district shall annually 22380
collect and report to the state board, in accordance with the 22381
guidelines established by the board, the data required pursuant to 22382
this section. A school district may collect and report these data 22383
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 22384

(G) The state board shall, in accordance with the procedures 22385
it adopts, annually compile the data reported by each school 22386
district pursuant to division (D) of this section. The state board 22387
shall design formats for profiling each school district as a whole 22388
and each school building within each district and shall compile 22389
the data in accordance with these formats. These profile formats 22390
shall: 22391

(1) Include all of the data gathered under this section in a 22392
manner that facilitates comparison among school districts and 22393
among school buildings within each school district; 22394

(2) Present the data on academic achievement levels as 22395
assessed by the testing of student achievement maintained pursuant 22396
to division (B)(1)(d) of this section. 22397

(H)(1) The state board shall, in accordance with the 22398
procedures it adopts, annually prepare a statewide report for all 22399
school districts and the general public that includes the profile 22400
of each of the school districts developed pursuant to division (G) 22401
of this section. Copies of the report shall be sent to each school 22402
district. 22403

(2) The state board shall, in accordance with the procedures 22404
it adopts, annually prepare an individual report for each school 22405
district and the general public that includes the profiles of each 22406
of the school buildings in that school district developed pursuant 22407
to division (G) of this section. Copies of the report shall be 22408
sent to the superintendent of the district and to each member of 22409

the district board of education. 22410

(3) Copies of the reports received from the state board under 22411
divisions (H)(1) and (2) of this section shall be made available 22412
to the general public at each school district's offices. Each 22413
district board of education shall make copies of each report 22414
available to any person upon request and payment of a reasonable 22415
fee for the cost of reproducing the report. The board shall 22416
annually publish in a newspaper of general circulation in the 22417
school district, at least twice during the two weeks prior to the 22418
week in which the reports will first be available, a notice 22419
containing the address where the reports are available and the 22420
date on which the reports will be available. 22421

(I) Any data that is collected or maintained pursuant to this 22422
section and that identifies an individual pupil is not a public 22423
record for the purposes of section 149.43 of the Revised Code. 22424

(J) As used in this section: 22425

(1) "School district" means any city, local, exempted 22426
village, or joint vocational school district and, in accordance 22427
with section 3314.17 of the Revised Code, any community school. As 22428
used in division (L) of this section, "school district" also 22429
includes any educational service center or other educational 22430
entity required to submit data using the system established under 22431
this section. 22432

(2) "Cost" means any expenditure for operating expenses made 22433
by a school district excluding any expenditures for debt 22434
retirement except for payments made to any commercial lending 22435
institution for any loan approved pursuant to section 3313.483 of 22436
the Revised Code. 22437

(K) Any person who removes data from the information system 22438
established under this section for the purpose of releasing it to 22439
any person not entitled under law to have access to such 22440

information is subject to section 2913.42 of the Revised Code 22441
prohibiting tampering with data. 22442

(L)(1) In accordance with division (L)(2) of this section and 22443
the rules adopted under division (L)(10) of this section, the 22444
department of education may sanction any school district that 22445
reports incomplete or inaccurate data, reports data that does not 22446
conform to data requirements and descriptions published by the 22447
department, fails to report data in a timely manner, or otherwise 22448
does not make a good faith effort to report data as required by 22449
this section. 22450

(2) If the department decides to sanction a school district 22451
under this division, the department shall take the following 22452
sequential actions: 22453

(a) Notify the district in writing that the department has 22454
determined that data has not been reported as required under this 22455
section and require the district to review its data submission and 22456
submit corrected data by a deadline established by the department. 22457
The department also may require the district to develop a 22458
corrective action plan, which shall include provisions for the 22459
district to provide mandatory staff training on data reporting 22460
procedures. 22461

(b) Withhold up to ten per cent of the total amount of state 22462
funds due to the district for the current fiscal year and, if not 22463
previously required under division (L)(2)(a) of this section, 22464
require the district to develop a corrective action plan in 22465
accordance with that division; 22466

(c) Withhold an additional amount of up to twenty per cent of 22467
the total amount of state funds due to the district for the 22468
current fiscal year; 22469

(d) Direct department staff or an outside entity to 22470
investigate the district's data reporting practices and make 22471

recommendations for subsequent actions. The recommendations may	22472
include one or more of the following actions:	22473
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	22474 22475
(ii) Conduct a site visit and evaluation of the district;	22476
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	22477 22478 22479
(iv) Continue monitoring the district's data reporting;	22480
(v) Assign department staff to supervise the district's data management system;	22481 22482
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	22483 22484 22485
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	22486 22487 22488 22489
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	22490 22491 22492 22493 22494
(ix) Any other action designed to correct the district's data reporting problems.	22495 22496
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the	22497 22498 22499 22500 22501

report in its files. 22502

(4) If any action taken under division (L)(2) of this section 22503
resolves a school district's data reporting problems to the 22504
department's satisfaction, the department shall not take any 22505
further actions described by that division. If the department 22506
withheld funds from the district under that division, the 22507
department may release those funds to the district, except that if 22508
the department withheld funding under division (L)(2)(c) of this 22509
section, the department shall not release the funds withheld under 22510
division (L)(2)(b) of this section and, if the department withheld 22511
funding under division (L)(2)(d) of this section, the department 22512
shall not release the funds withheld under division (L)(2)(b) or 22513
(c) of this section. 22514

(5) Notwithstanding anything in this section to the contrary, 22515
the department may use its own staff or an outside entity to 22516
conduct an audit of a school district's data reporting practices 22517
any time the department has reason to believe the district has not 22518
made a good faith effort to report data as required by this 22519
section. If any audit conducted by an outside entity under 22520
division (L)(2)(d)(i) or (5) of this section confirms that a 22521
district has not made a good faith effort to report data as 22522
required by this section, the district shall reimburse the 22523
department for the full cost of the audit. The department may 22524
withhold state funds due to the district for this purpose. 22525

(6) Prior to issuing a revised report card for a school 22526
district under division (L)(2)(d)(viii) of this section, the 22527
department may hold a hearing to provide the district with an 22528
opportunity to demonstrate that it made a good faith effort to 22529
report data as required by this section. The hearing shall be 22530
conducted by a referee appointed by the department. Based on the 22531
information provided in the hearing, the referee shall recommend 22532
whether the department should issue a revised report card for the 22533

district. If the referee affirms the department's contention that 22534
the district did not make a good faith effort to report data as 22535
required by this section, the district shall bear the full cost of 22536
conducting the hearing and of issuing any revised report card. 22537

(7) If the department determines that any inaccurate data 22538
reported under this section caused a school district to receive 22539
excess state funds in any fiscal year, the district shall 22540
reimburse the department an amount equal to the excess funds, in 22541
accordance with a payment schedule determined by the department. 22542
The department may withhold state funds due to the district for 22543
this purpose. 22544

(8) Any school district that has funds withheld under 22545
division (L)(2) of this section may appeal the withholding in 22546
accordance with Chapter 119. of the Revised Code. 22547

(9) In all cases of a disagreement between the department and 22548
a school district regarding the appropriateness of an action taken 22549
under division (L)(2) of this section, the burden of proof shall 22550
be on the district to demonstrate that it made a good faith effort 22551
to report data as required by this section. 22552

(10) The state board of education shall adopt rules under 22553
Chapter 119. of the Revised Code to implement division (L) of this 22554
section. 22555

(M) No information technology center or school district shall 22556
acquire, change, or update its student administration software 22557
package to manage and report data required to be reported to the 22558
department unless it converts to a student software package that 22559
is certified by the department. 22560

(N) The state board of education, in accordance with sections 22561
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 22562
license as defined under division (A) of section 3319.31 of the 22563
Revised Code that has been issued to any school district employee 22564

found to have willfully reported erroneous, inaccurate, or 22565
incomplete data to the education management information system. 22566

(O) No person shall release or maintain any information about 22567
any student in violation of this section. Whoever violates this 22568
division is guilty of a misdemeanor of the fourth degree. 22569

(P) The department shall disaggregate the data collected 22570
under division (B)(1)(n) of this section according to the race and 22571
socioeconomic status of the students assessed. 22572

(Q) If the department cannot compile any of the information 22573
required by division (H) of section 3302.03 of the Revised Code 22574
based upon the data collected under this section, the department 22575
shall develop a plan and a reasonable timeline for the collection 22576
of any data necessary to comply with that division. 22577

Sec. 3301.0715. (A) Except as required under division (B)(1) 22578
of section 3313.608 or as specified in division (D)(3) of section 22579
3301.079 of the Revised Code, the board of education of each city, 22580
local, and exempted village school district shall administer each 22581
applicable diagnostic assessment developed and provided to the 22582
district in accordance with section 3301.079 of the Revised Code 22583
to the following: 22584

(1) Any student who transfers into the district or to a 22585
different school within the district if each applicable diagnostic 22586
assessment was not administered by the district or school the 22587
student previously attended in the current school year, within 22588
thirty days after the date of transfer. If the district or school 22589
into which the student transfers cannot determine whether the 22590
student has taken any applicable diagnostic assessment in the 22591
current school year, the district or school may administer the 22592
diagnostic assessment to the student. However, if a student 22593
transfers into the district prior to the administration of the 22594
diagnostic assessments to all students under division (B) of this 22595

section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the ~~first day of November~~ twentieth day of instruction of that school year. However, ~~a board of education may administer the selected response and performance task items portion of the diagnostic assessment up to two weeks prior to the first day of the school year.~~

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) Any district that received a grade of "A" or "B" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for

the immediately preceding school year may use different diagnostic 22627
assessments from those adopted under division (D) of section 22628
3301.079 of the Revised Code in order to satisfy the requirements 22629
of division (A)(3) of this section. 22630

(D) Each district board shall utilize and score any 22631
diagnostic assessment administered under division (A) of this 22632
section in accordance with rules established by the department. 22633
After the administration of any diagnostic assessment, each 22634
district shall provide a student's completed diagnostic 22635
assessment, the results of such assessment, and any other 22636
accompanying documents used during the administration of the 22637
assessment to the parent of that student, and shall include all 22638
such documents and information in any plan developed for the 22639
student under division (C) of section 3313.608 of the Revised 22640
Code. Each district shall submit to the department, in the manner 22641
the department prescribes, the results of the diagnostic 22642
assessments administered under this section, regardless of the 22643
type of assessment used under section 3313.608 of the Revised 22644
Code. The department may issue reports with respect to the data 22645
collected. The department may report school and district level 22646
kindergarten diagnostic assessment data and use diagnostic 22647
assessment data to calculate the measure prescribed by divisions 22648
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 22649

(E) Each district board shall provide intervention services 22650
to students whose diagnostic assessments show that they are 22651
failing to make satisfactory progress toward attaining the 22652
academic standards for their grade level. 22653

(F) Beginning in the 2018-2019 school year, any chartered 22654
nonpublic school may elect to administer the kindergarten 22655
readiness assessment to all kindergarten students enrolled in the 22656
school. If the school so elects, the chief administrator of the 22657
school shall notify the superintendent of public instruction not 22658

later than the thirty-first day of March prior to any school year 22659
in which the school will administer the assessment. The department 22660
shall furnish the assessment to the school at no cost to the 22661
school. In administering the assessment, the school shall do all 22662
of the following: 22663

(1) Enter into a written agreement with the department 22664
specifying that the school will share each participating student's 22665
assessment data with the department and, that for the purpose of 22666
reporting the data to the department, each participating student 22667
will be assigned a data verification code as described in division 22668
(D)(2) of section 3301.0714 of the Revised Code; 22669

(2) Require the assessment to be administered by a teacher 22670
certified under section 3301.071 of the Revised Code who either 22671
has completed training on administering the kindergarten readiness 22672
assessment provided by the department or has been trained by 22673
another person who has completed such training; 22674

(3) Administer the assessment in the same manner as school 22675
districts are required to do under this section and the rules 22676
established under division (D) of this section. 22677

(G) Beginning in the 2019-2020 school year, a school district 22678
in which less than eighty per cent of its students score at the 22679
proficient level or higher on the third-grade English language 22680
arts assessment prescribed under section 3301.0710 of the Revised 22681
Code shall establish a reading improvement plan supported by 22682
reading specialists. Prior to implementation, the plan shall be 22683
approved by the school district board of education. 22684

Sec. 3301.23. (A) Not later than thirty days after the 22685
effective date of this section, the department of education, in 22686
consultation with the chancellor of higher education, shall 22687
establish a committee to develop a state plan for computer science 22688
education for the purposes of primary and secondary education. 22689

<u>(B) When developing the plan, the committee established under</u>	22690
<u>this section shall consider the following:</u>	22691
<u>(1) Best practices and challenges associated with the</u>	22692
<u>implementation of primary and secondary computer science</u>	22693
<u>curriculum in this state;</u>	22694
<u>(2) Demographic data for students who receive instruction in</u>	22695
<u>computer science;</u>	22696
<u>(3) Benchmarks to create a sustainable supply of teachers</u>	22697
<u>certified to provide instruction in computer science;</u>	22698
<u>(4) Best practices to form public and private partnerships</u>	22699
<u>for funding, mentoring, and internships for teachers providing</u>	22700
<u>instruction in computer science;</u>	22701
<u>(5) Requiring all students to complete a computer science</u>	22702
<u>course prior to high school graduation;</u>	22703
<u>(6) Establishing a work-based learning pilot program that</u>	22704
<u>includes high schools, universities, and local industry and</u>	22705
<u>permits the department and the chancellor to develop pathways to</u>	22706
<u>align computer science education in the state with the state's</u>	22707
<u>workforce needs;</u>	22708
<u>(7) Any other topic determined appropriate by the committee.</u>	22709
<u>(C) The committee established under this section shall</u>	22710
<u>consist of all of the following:</u>	22711
<u>(1) The superintendent of public instruction, or designee;</u>	22712
<u>(2) The chancellor, or designee;</u>	22713
<u>(3) Representatives of computer science education</u>	22714
<u>stakeholders appointed by the state superintendent, in</u>	22715
<u>consultation with the chancellor. Computer science education</u>	22716
<u>stakeholders represented on the committee shall include all of the</u>	22717
<u>following:</u>	22718

<u>(a) Career-technical education;</u>	22719
<u>(b) Teachers;</u>	22720
<u>(c) Institutions of higher education;</u>	22721
<u>(d) Businesses;</u>	22722
<u>(e) State and national computer science organizations.</u>	22723
<u>(D) Within the plan, the committee established under this</u>	22724
<u>section shall include all of the following:</u>	22725
<u>(1) An examination of the challenges that prevent school</u>	22726
<u>districts from offering computer science courses;</u>	22727
<u>(2) A requirement that the department of education collect</u>	22728
<u>any data regarding computer science courses offered by school</u>	22729
<u>districts and school buildings operated by school districts,</u>	22730
<u>including the names of the courses and whether the courses were</u>	22731
<u>developed using the standards and model curriculum adopted under</u>	22732
<u>division (A)(4) of section 3301.079 of the Revised Code, and post</u>	22733
<u>the collected data on its web site.</u>	22734
<u>(3) Any findings the committee determines appropriate based</u>	22735
<u>on its consideration of the topics described in division (B) of</u>	22736
<u>this section.</u>	22737
<u>(E) The committee shall complete the plan not later than one</u>	22738
<u>year after the effective date of this section and the department</u>	22739
<u>shall post the completed plan in a prominent location on its web</u>	22740
<u>site.</u>	22741
<u>Sec. 3301.231.</u> (A) <u>The department of education, in</u>	22742
<u>consultation with computer science stakeholders as determined</u>	22743
<u>appropriate by the department, shall establish a program to</u>	22744
<u>provide high school students in the state with access to online</u>	22745
<u>computer science courses for the purposes of section 3301.232 of</u>	22746
<u>the Revised Code.</u>	22747

(B) Under the program, the department shall develop a process to solicit and review proposals from educational providers to offer online computer science courses under section 3301.232 of the Revised Code. The department shall approve a proposal only if it meets both of the following conditions: 22748
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(1) Each course included in the proposal is high-quality, rigorous, and aligned with the standards and model curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code. 22753
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(2) A student may earn high school credits that apply to the curriculum requirements prescribed under section 3313.603 of the Revised Code in each course included in the proposal. 22757
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(C) The department shall determine a method to calculate and make payments to educational providers who enroll students in online computer science courses approved under division (B) of this section and offered to the students under section 3301.232 of the Revised Code. The method shall be deducted from the school foundation payments made to the participant's school district or, if the participant is enrolled in a community school, a STEM school, or a college-preparatory boarding school, from the payments made to that school under section 3314.08, 3326.33, or 3328.34 of the Revised Code, similar to how the department calculates and makes payments under section 3365.07 of the Revised Code for the college credit plus program, as determined by the department. 22760
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(D) The department shall adopt rules to implement this section and section 3301.232 of the Revised Code. 22773
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(E) This section and section 3301.232 of the Revised Code do not affect the college credit plus program established under Chapter 3365. of the Revised Code. 22775
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<u>Sec. 3301.232. (A) As used in this section:</u>	22778
<u>(1) "Approved course" means an online computer science course</u>	22779
<u>included in a proposal approved by the department of education</u>	22780
<u>under division (B) of section 3301.231 of the Revised Code.</u>	22781
<u>(2) "Integrated course" means a general education course that</u>	22782
<u>incorporates computer science principles.</u>	22783
<u>(B) Except as provided for in division (C) of this section,</u>	22784
<u>each student enrolled in a city, local, exempted village, or joint</u>	22785
<u>vocational school district shall have the option to enroll in a</u>	22786
<u>computer science course or integrated course offered by the</u>	22787
<u>student's district or an approved course offered by an educational</u>	22788
<u>provider, as follows:</u>	22789
<u>(1) For the 2022-2023 school year and each school year</u>	22790
<u>thereafter, a student enrolled in grade eleven or twelve shall</u>	22791
<u>have the option to enroll in a computer science course offered by</u>	22792
<u>the school district or an approved course offered by an</u>	22793
<u>educational provider;</u>	22794
<u>(2) For the 2023-2024 school year and each school year</u>	22795
<u>thereafter, a student enrolled in grade nine or ten shall have the</u>	22796
<u>option to enroll in an age-appropriate, standalone computer</u>	22797
<u>science course offered by the school district or an approved</u>	22798
<u>course offered by an educational provider;</u>	22799
<u>(3) For the 2024-2025 school year and each school year</u>	22800
<u>thereafter, a student enrolled in any of grades kindergarten</u>	22801
<u>through eight shall have the option to enroll in an</u>	22802
<u>age-appropriate integrated course offered by the school district.</u>	22803
<u>(C) A school district shall offer computer science or</u>	22804
<u>integrated courses to students enrolled in the district in</u>	22805
<u>accordance with division (B) of this section, except that a board</u>	22806
<u>of education may submit to the superintendent of public</u>	22807

instruction a request for a waiver from that requirement with 22808
respect to students enrolled in a particular school building 22809
operated by the district board. The state superintendent shall 22810
consider each request for a waiver and either approve or 22811
disapprove the waiver based on standards adopted by the state 22812
board of education. For each approved waiver, the state 22813
superintendent shall specify the period of time for which the 22814
waiver shall be in effect, except that period shall not exceed 22815
five years. A district board may apply to renew a waiver. 22816

(D) Each school district shall annually submit to the 22817
department, in a form and manner prescribed by the department, 22818
data reporting the number of students enrolled in computer science 22819
courses and the type of such courses. The type of computer science 22820
courses shall be disaggregated by course code and whether the 22821
courses are offered by the district or an educational provider. 22822

(E) Nothing in this section shall be construed as prohibiting 22823
a school district from offering computer science or integrated 22824
courses to students enrolled in any of grades kindergarten through 22825
twelve. 22826

Sec. 3301.233. (A) As used in this section, "public school" 22827
means any of the following: 22828

(1) A city, local, exempted village, or joint vocational 22829
school district; 22830

(2) A community school established under Chapter 3314. of the 22831
Revised Code; 22832

(3) A STEM school established under Chapter 3326. of the 22833
Revised Code. 22834

(B) The department of education, in consultation with the 22835
chancellor of higher education, shall issue an annual report on 22836
computer science education in the state. 22837

<u>(C) The report shall include information regarding all of the</u>	22838
<u>following, as determined by the superintendent of public</u>	22839
<u>instruction and the chancellor:</u>	22840
<u>(1) Public schools that offer computer science courses;</u>	22841
<u>(2) The types of computer science courses offered by public</u>	22842
<u>schools;</u>	22843
<u>(3) How many teachers employed by public schools hold one of</u>	22844
<u>the following:</u>	22845
<u>(a) A valid educators license in computer science in</u>	22846
<u>accordance with section 3319.236 of the Revised Code;</u>	22847
<u>(b) A valid license endorsement in computer technology in</u>	22848
<u>accordance with section 3319.236 of the Revised Code;</u>	22849
<u>(c) A supplemental teaching license for teaching computer</u>	22850
<u>science in accordance with section 3319.236 of the Revised Code;</u>	22851
<u>(d) Any other license or endorsement determined appropriate</u>	22852
<u>by the department, in consultation with the chancellor.</u>	22853
<u>(4) The type of computer science courses, and the grade</u>	22854
<u>levels for those courses, taught by teachers who hold a license or</u>	22855
<u>endorsement described in division (C)(3) of this section;</u>	22856
<u>(5) The number of undergraduate students who study computer</u>	22857
<u>science in institutions of higher education located in the state,</u>	22858
<u>disaggregated by region of the state, student demographics, and</u>	22859
<u>student participation in a pathway partnership in the previous</u>	22860
<u>five-year period, if the data is available.</u>	22861
<u>(D) Information included in the report as prescribed under</u>	22862
<u>divisions (C)(1) to (4) of this section shall be disaggregated by</u>	22863
<u>all of the following:</u>	22864
<u>(1) For school districts, whether each district is urban,</u>	22865
<u>rural, or suburban, and if any other classification determined</u>	22866
<u>appropriate by the department, in consultation with the</u>	22867

<u>chancellor, applies to the district;</u>	22868
<u>(2) Region of the state;</u>	22869
<u>(3) Demographic data of students enrolled in computer science</u>	22870
<u>courses, including race and ethnic group, gender, and whether the</u>	22871
<u>students are economically disadvantaged. Such demographic data</u>	22872
<u>shall be reported by public school and computer science course</u>	22873
<u>code.</u>	22874
<u>Sec. 3301.85. (A) Beginning on the effective date of this</u>	22875
<u>section, the department of education shall submit to the joint</u>	22876
<u>committee on agency rule review, created in section 101.35 of the</u>	22877
<u>Revised Code, any proposed changes to either the education</u>	22878
<u>management information system established under section 3301.0714</u>	22879
<u>of the Revised Code or the department's business rules and</u>	22880
<u>policies that may affect community schools established under</u>	22881
<u>Chapter 3314. of the Revised Code.</u>	22882
<u>(B) When the department submits the proposed changes to the</u>	22883
<u>education management information system or the department's</u>	22884
<u>business rules and policies that affect community schools, the</u>	22885
<u>joint committee on agency rule review shall hold one or more</u>	22886
<u>public hearings at which community schools may present testimony</u>	22887
<u>on their ability and capacity to comply with the proposed changes.</u>	22888
<u>(C) The joint committee on agency rule review shall consider</u>	22889
<u>any testimonies provided at the public hearings required under</u>	22890
<u>division (B) of this section and vote to determine whether</u>	22891
<u>community schools can reasonably comply with the proposed changes.</u>	22892
<u>(D) The department shall not implement any changes to the</u>	22893
<u>education management information system or the department's</u>	22894
<u>business rules and policies that may affect community schools</u>	22895
<u>without the joint committee on agency rule review's determination</u>	22896
<u>that community schools can reasonably comply with those changes.</u>	22897

Sec. 3302.043. (A) As used in this section, "eligible district" means a city school district to which both of the following apply: 22898
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(1) The district has persistently low performance ratings, as determined by the department of education, under section 3302.03 of the Revised Code. 22901
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(2) The district is not subject to an academic distress commission under section 3302.10 of the Revised Code. 22904
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(B) The department shall establish the career promise academy summer demonstration pilot program. Under the pilot program, which shall operate in the 2021-2022 and 2022-2023 school years, the department shall solicit proposals from eligible districts to establish and operate a career promise academy during the summer to provide students entering ninth grade with intensive literacy instruction, internship or mentoring experiences, and instruction regarding academic preparedness skills, life skills, and financial literacy. The department shall approve one proposal based on the criteria prescribed under division (C) of this section. The department shall award a grant to the eligible district with an approved proposal. 22906
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(C) The department shall adopt criteria under which to approve a proposal for a career promise academy, which shall include all of the following: 22918
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(1) A requirement that the career promise academy operate as follows: 22921
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(a) For four consecutive weeks in the summer of 2021; 22923

(b) For five consecutive weeks in the summer of 2022. 22924

(2) A requirement that not more than seventy-five students participate in the career promise academy in one summer; 22925
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(3) A requirement for the eligible district to submit to the 22927

department, in a form and manner prescribed by the department, any 22928
data that the department and district jointly determine is 22929
necessary to evaluate the pilot program; 22930

(4) A method to determine student eligibility to participate 22931
in the career promise academy. The method shall identify students 22932
entering ninth grade who are at risk of not qualifying for a high 22933
school diploma based on the student's scores on the English 22934
language arts and mathematics assessments prescribed under 22935
division (A)(1)(f) of section 3301.0710 of the Revised Code and 22936
other academic or social-emotional factors. 22937

(5) A description of the instruction and internship or 22938
mentoring experiences that participating students will receive; 22939

(6) An agreement with the district's business advisory 22940
council established under section 3313.82 of the Revised Code and 22941
other organizations or businesses to identify or provide 22942
internship and mentoring experiences to participating students; 22943

(7) An agreement with at least one institution of higher 22944
education to identify and engage with prospective teachers to 22945
serve as mentors and academic coaches to participating students. 22946

(D) The department shall adopt guidelines and procedures to 22947
operate the pilot program established under this section. 22948

Sec. 3302.20. (A) The department of education shall develop 22949
standards for determining, from the existing data reported in 22950
accordance with sections 3301.0714 and 3314.17 of the Revised 22951
Code, the amount of annual operating expenditures for classroom 22952
instructional purposes and for nonclassroom purposes for each 22953
city, exempted village, local, and joint vocational school 22954
district, each community school established under Chapter 3314. 22955
that is not an internet- or computer-based community school, each 22956
internet- or computer-based community school, and each STEM school 22957

established under Chapter 3326. of the Revised Code. The 22958
department shall present those standards to the state board of 22959
education for consideration. In developing the standards, the 22960
department shall adapt existing standards used by professional 22961
organizations, research organizations, and other state 22962
governments. The department also shall align the expenditure 22963
categories required for reporting under the standards with the 22964
categories that are required for reporting to the United States 22965
department of education under federal law. 22966

The state board shall consider the proposed standards and 22967
adopt a final set of standards not later than December 31, 2012. 22968
School districts, community schools, and STEM schools shall begin 22969
reporting data in accordance with the standards on June 30, 2013. 22970

(B)(1) The department shall categorize all city, exempted 22971
village, and local school districts into not less than three nor 22972
more than five groups based primarily on average daily student 22973
enrollment as reported on the most recent report card issued for 22974
each district under section 3302.03 of the Revised Code. 22975

(2) The department shall categorize all joint vocational 22976
school districts into not less than three nor more than five 22977
groups based primarily on ~~formula~~ enrolled ADM as that term is 22978
defined in section 3317.02 of the Revised Code rounded to the 22979
nearest whole number. 22980

(3) The department shall categorize all community schools 22981
that are not internet- or computer-based community schools into 22982
not less than three nor more than five groups based primarily on 22983
average daily student enrollment as reported on the most recent 22984
report card issued for each community school under sections 22985
3302.03 and 3314.012 of the Revised Code or, in the case of a 22986
school to which section 3314.017 of the Revised Code applies, on 22987
the total number of students reported under divisions (B)(2)(a) 22988

and (b) of section 3314.08 of the Revised Code.	22989
(4) The department shall categorize all internet- or computer-based community schools into a single category.	22990 22991
(5) The department shall categorize all STEM schools into a single category.	22992 22993
(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:	22994 22995 22996 22997
(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;	22998 22999 23000
(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;	23001 23002 23003
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	23004 23005 23006
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	23007 23008 23009
(a) From highest to lowest percentage spent for classroom instructional purposes;	23010 23011
(b) From lowest to highest percentage spent for noninstructional purposes.	23012 23013
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	23014 23015
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	23016 23017

(D) In its display of rankings within each category under 23018
division (C)(4) of this section, the department shall make the 23019
following notations: 23020

(1) Within each category of city, exempted village, and local 23021
school districts, the department shall denote each district that 23022
is: 23023

(a) Among the twenty per cent of all city, exempted village, 23024
and local school districts statewide with the lowest total 23025
operating expenditure per equivalent pupils; 23026

(b) Among the twenty per cent of all city, exempted village, 23027
and local school districts statewide with the highest performance 23028
index scores. 23029

(2) Within each category of joint vocational school 23030
districts, the department shall denote each district that is: 23031

(a) Among the twenty per cent of all joint vocational school 23032
districts statewide with the lowest total operating expenditure 23033
per equivalent pupils; 23034

(b) Among the twenty per cent of all joint vocational school 23035
districts statewide with the highest report card scores under 23036
section 3302.033 of the Revised Code. 23037

(3) Within each category of community schools that are not 23038
internet- or computer-based community schools, the department 23039
shall denote each school that is: 23040

(a) Among the twenty per cent of all such community schools 23041
statewide with the lowest total operating expenditure per 23042
equivalent pupils; 23043

(b) Among the twenty per cent of all such community schools 23044
statewide with the highest performance index scores, excluding 23045
such community schools to which section 3314.017 of the Revised 23046
Code applies. 23047

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 23048
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(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 23051
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(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 23054
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(5) Within the category of STEM schools, the department shall denote each school that is: 23058
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(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils; 23060
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(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 23062
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For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs. 23064
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(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section. 23069
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(F) As used in this section:	23079
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	23080 23081
(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.	23082 23083 23084
(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.	23085 23086
<u>Sec. 3304.24. Each October during national disability employment awareness month, the governor shall present an award to employers who meet the criteria for having a workplace inclusive of individuals with disabilities. The opportunities for Ohioans with disabilities agency shall determine the inclusive workplace criteria to be used to recommend employers for the award.</u>	23087 23088 23089 23090 23091 23092
<u>Sec. 3307.091. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the state teachers retirement board may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following:</u>	23093 23094 23095 23096 23097 23098
<u>(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually;</u>	23099 23100 23101
<u>(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference:</u>	23102 23103 23104
<u>(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted;</u>	23105 23106 23107

<u>(b) That all votes taken at the meeting shall be taken by</u>	23108
<u>roll call vote;</u>	23109
<u>(c) That a board member who intends to attend a meeting by</u>	23110
<u>means of teleconference or video conference shall notify the</u>	23111
<u>chairperson of that intent not less than forty-eight hours before</u>	23112
<u>the meeting, except in the case of an emergency as defined in the</u>	23113
<u>policy.</u>	23114
<u>(B) Notwithstanding division (C) of section 121.22 of the</u>	23115
<u>Revised Code, a board member who attends a meeting by means of</u>	23116
<u>teleconference or video conference is considered present in person</u>	23117
<u>at the meeting, may vote at the meeting, and is counted for</u>	23118
<u>purposes of determining whether a quorum is present at the</u>	23119
<u>meeting.</u>	23120
<u>(C) At any meeting in which a board member attends by means</u>	23121
<u>of teleconference or video conference, the board shall ensure that</u>	23122
<u>the public can hear and, if the means of attendance</u>	23123
<u>technologically permits it, to observe, the discussions and</u>	23124
<u>deliberations of all the members of the board, whether the member</u>	23125
<u>is participating in person or electronically.</u>	23126
<u>(D) Except as provided in this section, no person shall do</u>	23127
<u>any of the following:</u>	23128
<u>(1) Limit the number of board members who may attend a</u>	23129
<u>meeting by means of teleconference or video conference;</u>	23130
<u>(2) Limit the total number of meetings that the board may</u>	23131
<u>allow members to attend by means of teleconference or video</u>	23132
<u>conference;</u>	23133
<u>(3) Limit the number of meetings at which any one board</u>	23134
<u>member may attend by means of teleconference or video conference;</u>	23135
<u>(4) Impose other limits or obligations on a board member</u>	23136
<u>because the board member attends a meeting by means of</u>	23137

teleconference or video conference. 23138

Sec. 3310.08. (A) As used in this section, "tuition discount" 23139
means any deduction from the base tuition amount per student 23140
charged by the school, to which the student's family is entitled 23141
due to one or more of the following conditions: 23142

(1) The student's family has multiple children enrolled in 23143
the same school. 23144

(2) The student's family is a member of or affiliated with a 23145
religious or secular organization that provides oversight of the 23146
school or from which the school has agreed to enroll students. 23147

(3) The student's parent is an employee of the school. 23148

(4) Some other qualification not based on the income of the 23149
student's family or the student's athletic or academic ability and 23150
for which all students in the school may qualify. 23151

(B) The amount paid for an eligible student under the 23152
educational choice scholarship pilot program and the expansion of 23153
the program under section 3310.032 of the Revised Code shall be 23154
the lesser of the following: 23155

(1) The base tuition of the chartered nonpublic school in 23156
which the student is enrolled minus the total amount of any 23157
applicable tuition discounts for which the student qualifies; 23158

(2) The maximum amount prescribed in section 3310.09 of the 23159
Revised Code. 23160

(C)(1) The department of education shall pay compute and 23161
distribute state core foundation funding to the parent of each 23162
eligible student for whom a scholarship is awarded under the 23163
program, or to the student if at least eighteen years of age, 23164
periodic partial payments of the scholarship. 23165

(2) The department shall proportionately reduce or terminate 23166

the payments for any student who withdraws from a chartered 23167
nonpublic school prior to the end of the school year. 23168

~~(D)(1) The department shall deduct from the payments made to 23169
each school district under Chapter 3317., and if necessary, 23170
sections 321.24 and 323.156 of the Revised Code, the amount paid 23171
under division (C) of this section for each eligible student who 23172
qualifies for a scholarship under section 3310.03 of the Revised 23173
Code and who is entitled under section 3313.64 or 3313.65 of the 23174
Revised Code to attend school in the district. In the case of a 23175
student entitled to attend school in a school district under 23176
division (B)(2)(a) of section 3313.64 or division (C) of section 23177
3313.65 of the Revised Code, the department shall deduct the 23178
payments from the school district in whose formula ADM the student 23179
is included, as that term is defined in section 3317.02 of the 23180
Revised Code. 23181~~

~~(2) If the department reduces or terminates payments to a 23182
parent or a student, as prescribed in division (C)(2) of this 23183
section, and the student enrolls in the schools of the student's 23184
resident district or in a community school, established under 23185
Chapter 3314. of the Revised Code, before the end of the school 23186
year, the department shall proportionally restore to the resident 23187
district the amount deducted for that student under division 23188
(D)(1) of this section. 23189~~

Sec. 3310.41. (A) As used in this section: 23190

(1) "Alternative public provider" means either of the 23191
following providers that agrees to enroll a child in the 23192
provider's special education program to implement the child's 23193
individualized education program and to which the child's parent 23194
owes fees for the services provided to the child: 23195

(a) A school district that is not the school district in 23196
which the child is entitled to attend school; 23197

(b) A public entity other than a school district.	23198
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	23199 23200 23201
(3) "Formula ADM" and "category six special education ADM" <u>have has</u> the same meanings <u>meaning</u> as in section 3317.02 of the Revised Code.	23202 23203 23204
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	23205 23206 23207
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.	23208 23209 23210 23211 23212 23213 23214
(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.	23215 23216 23217
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	23218 23219
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	23220 23221 23222 23223 23224
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.	23225 23226 23227

(c) The child either: 23228

(i) Was enrolled in the school district in which the child is 23229
entitled to attend school in any grade from preschool through 23230
twelve in the school year prior to the year in which a scholarship 23231
under this section is first sought for the child; or 23232

(ii) Is eligible to enter school in any grade preschool 23233
through twelve in the school district in which the child is 23234
entitled to attend school in the school year in which a 23235
scholarship under this section is first sought for the child. 23236

~~(8)~~(7) "Registered private provider" means a nonpublic school 23237
or other nonpublic entity that has been approved by the department 23238
of education to participate in the program established under this 23239
section. 23240

~~(9)~~(8) "Special education program" means a school or facility 23241
that provides special education and related services to children 23242
with disabilities. 23243

(B) There is hereby established the autism scholarship 23244
program. Under the program, the department of education shall pay 23245
a scholarship to the parent of each qualified special education 23246
child upon application of that parent pursuant to procedures and 23247
deadlines established by rule of the state board of education. 23248
Each scholarship shall be used only to pay tuition for the child 23249
on whose behalf the scholarship is awarded to attend a special 23250
education program that implements the child's individualized 23251
education program and that is operated by an alternative public 23252
provider or by a registered private provider, and to pay for other 23253
services agreed to by the provider and the parent of a qualified 23254
special education child that are not included in the 23255
individualized education program but are associated with educating 23256
the child. Upon agreement with the parent of a qualified special 23257
education child, the alternative public provider or the registered 23258

private provider may modify the services provided to the child. 23259
Each scholarship shall be in an amount not to exceed the lesser of 23260
the tuition charged for the child by the special education program 23261
or twenty-seven thousand dollars. The purpose of the scholarship 23262
is to permit the parent of a qualified special education child the 23263
choice to send the child to a special education program, instead 23264
of the one operated by or for the school district in which the 23265
child is entitled to attend school, to receive the services 23266
prescribed in the child's individualized education program once 23267
the individualized education program is finalized and any other 23268
services agreed to by the provider and the parent of a qualified 23269
special education child. The services provided under the 23270
scholarship shall include an educational component or services 23271
designed to assist the child to benefit from the child's 23272
education. 23273

A scholarship under this section shall not be awarded to the 23274
parent of a child while the child's individualized education 23275
program is being developed by the school district in which the 23276
child is entitled to attend school, or while any administrative or 23277
judicial mediation or proceedings with respect to the content of 23278
the child's individualized education program are pending. A 23279
scholarship under this section shall not be used for a child to 23280
attend a public special education program that operates under a 23281
contract, compact, or other bilateral agreement between the school 23282
district in which the child is entitled to attend school and 23283
another school district or other public provider, or for a child 23284
to attend a community school established under Chapter 3314. of 23285
the Revised Code. However, nothing in this section or in any rule 23286
adopted by the state board shall prohibit a parent whose child 23287
attends a public special education program under a contract, 23288
compact, or other bilateral agreement, or a parent whose child 23289
attends a community school, from applying for and accepting a 23290
scholarship under this section so that the parent may withdraw the 23291

child from that program or community school and use the 23292
scholarship for the child to attend a special education program 23293
for which the parent is required to pay for services for the 23294
child. 23295

Except for development of the child's individualized 23296
education program, the school district in which a qualified 23297
special education child is entitled to attend school and the 23298
child's school district of residence, as defined in section 23299
3323.01 of the Revised Code, if different, are not obligated to 23300
provide the child with a free appropriate public education under 23301
Chapter 3323. of the Revised Code for as long as the child 23302
continues to attend the special education program operated by 23303
either an alternative public provider or a registered private 23304
provider for which a scholarship is awarded under the autism 23305
scholarship program. If at any time, the eligible applicant for 23306
the child decides no longer to accept scholarship payments and 23307
enrolls the child in the special education program of the school 23308
district in which the child is entitled to attend school, that 23309
district shall provide the child with a free appropriate public 23310
education under Chapter 3323. of the Revised Code. 23311

A child attending a special education program with a 23312
scholarship under this section shall continue to be entitled to 23313
transportation to and from that program in the manner prescribed 23314
by law. 23315

(C)(1) As prescribed in ~~divisions~~ division (A)(2)(h) 23316
~~(B)(3)(g), and (B)(10)~~ of section 3317.03 of the Revised Code, a 23317
child who is not a preschool child with a disability for whom a 23318
scholarship is awarded under this section shall be counted in the 23319
formula ADM ~~and the category six special education ADM~~ of the 23320
district in which the child is entitled to attend school and not 23321
in the formula ADM ~~and the category six special education ADM~~ of 23322
any other school district. ~~As prescribed in divisions (B)(3)(h)~~ 23323

~~and (B)(10) of section 3317.03 of the Revised Code, a child who is 23324
a preschool child with a disability for whom a scholarship is 23325
awarded under this section shall be counted in the preschool 23326
scholarship ADM and category six special education ADM of the 23327
school district in which the child is entitled to attend school 23328
and not in the preschool scholarship ADM or category six special 23329
education ADM of any other school district. 23330~~

~~(2) In each fiscal year, the department shall deduct from the 23331
amounts paid to each school district under Chapter 3317. of the 23332
Revised Code, and, if necessary, sections 321.24 and 323.156 of 23333
the Revised Code, the aggregate amount of scholarships awarded 23334
under this section for qualified special education children 23335
included in the formula ADM, or preschool scholarship ADM, and in 23336
the category six special education ADM of that school district as 23337
provided in division (C)(1) of this section. 23338~~

~~The scholarships deducted shall be considered as an approved 23339
special education and related services expense of the school 23340
district. 23341~~

~~(3) From time to time, the department shall make a payment 23342
compute and distribute state core foundation funding to the parent 23343
of each qualified special education child for whom a scholarship 23344
has been awarded under this section. The scholarship amount shall 23345
be proportionately reduced in the case of any such child who is 23346
not enrolled in the special education program for which a 23347
scholarship was awarded under this section for the entire school 23348
year. The department shall make no payments to the parent of a 23349
child while any administrative or judicial mediation or 23350
proceedings with respect to the content of the child's 23351
individualized education program are pending. 23352~~

~~(D) A scholarship shall not be paid to a parent for payment 23353
of tuition owed to a nonpublic entity unless that entity is a 23354
registered private provider. The department shall approve entities 23355~~

that meet the standards established by rule of the state board for 23356
the program established under this section. 23357

(E) The state board shall adopt rules under Chapter 119. of 23358
the Revised Code prescribing procedures necessary to implement 23359
this section, including, but not limited to, procedures and 23360
deadlines for parents to apply for scholarships, standards for 23361
registered private providers, and procedures for approval of 23362
entities as registered private providers. 23363

The rules also shall specify that intervention services under 23364
the autism scholarship program may be provided by a qualified, 23365
credentialed provider, including, but not limited to, all of the 23366
following: 23367

(1) A behavior analyst certified by a nationally recognized 23368
organization that certifies behavior analysts; 23369

(2) A psychologist licensed to practice in this state under 23370
Chapter 4732. of the Revised Code; 23371

(3) A school psychologist licensed by the state board under 23372
section 3319.22 of the Revised Code; 23373

(4) Any person employed by a licensed psychologist or 23374
licensed school psychologist, while carrying out specific tasks, 23375
under the licensee's supervision, as an extension of the 23376
licensee's legal and ethical authority as specified under Chapter 23377
4732. of the Revised Code who is ascribed as "psychology trainee," 23378
"psychology assistant," "psychology intern," a "registered 23379
behavior technician" as described under rule 5123-9-41 of the 23380
Administrative Code, a "certified Ohio behavior analyst" under 23381
Chapter 4783. of the Revised Code, or other appropriate term that 23382
clearly implies their supervised or training status; 23383

(5) Unlicensed persons holding a doctoral degree in 23384
psychology or special education from a program approved by the 23385
state board; 23386

(6) Any other qualified individual as determined by the state board. 23387
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(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. 23389
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Sec. 3310.411. Any registered private provider approved to participate in the autism scholarship program and any of its employees shall be subject to a criminal records check as specified in sections 109.57 and 109.572 of the Revised Code. The registered private provider shall submit the results of any records checks to the department of education. The department shall use the information submitted to enroll the individual for whom a records check is completed in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. 23394
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Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code: 23405
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(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child: 23407
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(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different; 23412
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(2) A public entity other than a school district. 23415

(B) "Child with a disability" and "individualized education 23416

program" have the same meanings as in section 3323.01 of the Revised Code. 23417
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(C) "Eligible applicant" means any of the following: 23419

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 23420
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 23432
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 23436
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a ~~caregiver~~ caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 23438
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 23444
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(6) A qualified special education child, if the child does 23447

not have a custodian or guardian and the child is at least 23448
eighteen years of age. 23449

(D) "Entitled to attend school" means entitled to attend 23450
school in a school district under sections 3313.64 and 3313.65 of 23451
the Revised Code. 23452

(E) "Formula ADM" ~~and "formula amount" have~~ has the same 23453
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 23454

(F) "Qualified special education child" is a child for whom 23455
all of the following conditions apply: 23456

(1) The child is at least five years of age and less than 23457
twenty-two years of age. 23458

(2) The school district in which the child is entitled to 23459
attend school, or the child's school district of residence if 23460
different, has identified the child as a child with a disability. 23461

(3) The school district in which the child is entitled to 23462
attend school, or the child's school district of residence if 23463
different, has developed an individualized education program under 23464
Chapter 3323. of the Revised Code for the child. 23465

(4) The child either: 23466

(a) Was enrolled in the schools of the school district in 23467
which the child is entitled to attend school in any grade from 23468
kindergarten through twelve in the school year prior to the school 23469
year in which a scholarship is first sought for the child; 23470

(b) Is eligible to enter school in any grade kindergarten 23471
through twelve in the school district in which the child is 23472
entitled to attend school in the school year in which a 23473
scholarship is first sought for the child. 23474

(5) The department of education has not approved a 23475
scholarship for the child under the educational choice scholarship 23476
pilot program, under sections 3310.01 to 3310.17 of the Revised 23477

Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

Sec. 3310.54. A qualified special education child in any of grades kindergarten through twelve for whom a scholarship is awarded under the Jon Peterson special needs scholarship program shall be counted in the formula ADM ~~and category one through six special education ADM, as appropriate,~~ of the school district in

which the child is entitled to attend school. A qualified special 23508
education child shall not be counted in the formula ADM ~~or~~ 23509
~~category one through six special education ADM~~ of any other school 23510
district. 23511

Sec. 3310.56. (A) The amount of the scholarship ~~awarded and~~ 23512
~~paid~~ computed and distributed using state core foundation funding 23513
to an eligible applicant for services for a qualified special 23514
education child under the Jon Peterson special needs scholarship 23515
program in each school year shall be the least of the amounts 23516
prescribed in divisions (A)(1), (2), and (3) of this section, as 23517
follows: 23518

(1) The amount of fees charged for that school year by the 23519
alternative public provider or registered private provider; 23520

(2) The sum of the amounts calculated under divisions 23521
(A)(2)(a) and (b) of this section: 23522

(a) ~~The formula amount~~ \$6,020; 23523

(b) An amount prescribed for the child's disability as 23524
follows: 23525

(i) For a student in category one, ~~the amount specified in~~ 23526
~~division (A) of section 3317.013 of the Revised Code~~ \$1,578; 23527

(ii) For a student in category two, ~~the amount specified in~~ 23528
~~division (B) of section 3317.013 of the Revised Code~~ \$4,005; 23529

(iii) For a student in category three, ~~the amount specified~~ 23530
~~in division (C) of section 3317.013 of the Revised Code~~ \$9,662; 23531

(iv) For a student in category four, ~~the amount specified in~~ 23532
~~division (D) of section 3317.013 of the Revised Code~~ \$12,841; 23533

(v) For a student in category five, ~~the amount specified in~~ 23534
~~division (E) of section 3317.013 of the Revised Code~~ \$17,390; 23535

(vi) For a student in category six, ~~the amount specified in~~ 23536

division (F) of section 3317.013 of the Revised Code <u>\$25,637.</u>	23537
(3) Twenty-seven thousand dollars.	23538
(B) As used in division (A)(2)(b) of this section, a child with a disability is in:	23539
(1) "Category one" if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code;	23541
(2) "Category two" if the child is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code;	23544
(3) "Category three" if the child is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code;	23545
(4) "Category four" if the child is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code;	23546
(5) "Category five" if the child is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code;	23547
(6) "Category six" if the child is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.	23548
Sec. 3311.741. (A) This section applies only to a municipal school district in existence on July 1, 2012.	23549
(B) Not later than December 1, 2012, the board of education of each municipal school district to which this section applies shall submit to the superintendent of public instruction an array of measures to be used in evaluating the performance of the district. The measures shall assess at least overall student	23550
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achievement, student progress over time, the achievement and 23566
progress over time of each of the applicable categories of 23567
students described in division (F) of section 3302.03 of the 23568
Revised Code, and college and career readiness. The state 23569
superintendent shall approve or disapprove the measures by January 23570
15, 2013. If the measures are disapproved, the state 23571
superintendent shall recommend modifications that will make the 23572
measures acceptable. 23573

(C) Beginning with the 2012-2013 school year, the board 23574
annually shall establish goals for improvement on each of the 23575
measures approved under division (B) of this section. The school 23576
district's performance data for the 2011-2012 school year shall be 23577
used as a baseline for determining improvement. 23578

(D) Not later than October 1, 2013, and by the first day of 23579
October each year thereafter, the board shall issue a report 23580
describing the school district's performance for the previous 23581
school year on each of the measures approved under division (B) of 23582
this section and whether the district has met each of the 23583
improvement goals established for that year under division (C) of 23584
this section. The board shall provide the report to the governor, 23585
the superintendent of public instruction, and, in accordance with 23586
section 101.68 of the Revised Code, the general assembly. 23587

~~(E) Not later than November 15, 2017, the superintendent of 23588
public instruction shall evaluate the school district's 23589
performance based on the measures approved under division (B) of 23590
this section and shall issue a report to the governor and general 23591
assembly. 23592~~

Sec. 3313.48. (A) The board of education of each city, 23593
exempted village, local, and joint vocational school district 23594
shall provide for the free education of the youth of school age 23595
within the district under its jurisdiction, at such places as will 23596

be most convenient for the attendance of the largest number 23597
thereof. Each school so provided and each chartered nonpublic 23598
school shall be open for instruction with pupils in attendance, 23599
including scheduled classes, supervised activities, and approved 23600
education options but excluding lunch and breakfast periods and 23601
extracurricular activities, for not less than four hundred 23602
fifty-five hours in the case of pupils in kindergarten unless such 23603
pupils are provided all-day kindergarten, as defined in section 23604
3321.05 of the Revised Code, in which case the pupils shall be in 23605
attendance for nine hundred ten hours; nine hundred ten hours in 23606
the case of pupils in grades one through six; and one thousand one 23607
hours in the case of pupils in grades seven through twelve in each 23608
school year, which may include all of the following: 23609

(1) Up to the equivalent of two school days per year during 23610
which pupils would otherwise be in attendance but are not required 23611
to attend for the purpose of individualized parent-teacher 23612
conferences and reporting periods; 23613

(2) Up to the equivalent of two school days per year during 23614
which pupils would otherwise be in attendance but are not required 23615
to attend for professional meetings of teachers; 23616

(3) Morning and afternoon recess periods of not more than 23617
fifteen minutes duration per period for pupils in grades 23618
kindergarten through six. 23619

(B) Not later than thirty days prior to adopting a school 23620
calendar, the board of education of each city, exempted village, 23621
and local school district shall hold a public hearing on the 23622
school calendar, addressing topics that include, but are not 23623
limited to, the total number of hours in a school year, length of 23624
school day, and beginning and end dates of instruction. 23625

(C) No school operated by a city, exempted village, local, or 23626
joint vocational school district shall reduce the number of hours 23627

in each school year that the school is scheduled to be open for 23628
instruction from the number of hours per year the school was open 23629
for instruction during the previous school year unless the 23630
reduction is approved by a resolution adopted by the district 23631
board of education. Any reduction so approved shall not result in 23632
fewer hours of instruction per school year than the applicable 23633
number of hours required under division (A) of this section. 23634

(D) Prior to making any change in the hours or days in which 23635
a high school under its jurisdiction is open for instruction, the 23636
board of education of each city, exempted village, and local 23637
school district shall consider the compatibility of the proposed 23638
change with the scheduling needs of any joint vocational school 23639
district in which any of the high school's students are also 23640
enrolled. The board shall consider the impact of the proposed 23641
change on student access to the instructional programs offered by 23642
the joint vocational school district, incentives for students to 23643
participate in career-technical education, transportation, and the 23644
timing of graduation. The board shall provide the joint vocational 23645
school district board with advance notice of the proposed change 23646
and the two boards shall enter into a written agreement 23647
prescribing reasonable accommodations to meet the scheduling needs 23648
of the joint vocational school district prior to implementation of 23649
the change. 23650

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 23651
prior to making any change in the hours or days in which a school 23652
under its jurisdiction is open for instruction, the board of 23653
education of each city, exempted village, and local school 23654
district shall consider the compatibility of the proposed change 23655
with the scheduling needs of any community school established 23656
under Chapter 3314. of the Revised Code to which the district is 23657
required to transport students under sections 3314.09 and 3327.01 23658
of the Revised Code. The board shall consider the impact of the 23659

proposed change on student access to the instructional programs 23660
offered by the community school, transportation, and the timing of 23661
graduation. The board shall provide the sponsor, governing 23662
authority, and operator of the community school with advance 23663
notice of the proposed change, and the board and the governing 23664
authority, or operator if such authority is delegated to the 23665
operator, shall enter into a written agreement prescribing 23666
reasonable accommodations to meet the scheduling needs of the 23667
community school prior to implementation of the change. 23668

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 23669
prior to making any change in the hours or days in which the 23670
schools under its jurisdiction are open for instruction, the board 23671
of education of each city, exempted village, and local school 23672
district shall consult with the chartered nonpublic schools to 23673
which the district is required to transport students under section 23674
3327.01 of the Revised Code and shall consider the effect of the 23675
proposed change on the schedule for transportation of those 23676
students to their nonpublic schools. The governing authority of a 23677
chartered nonpublic school shall consult with each school district 23678
board of education that transports students to the chartered 23679
nonpublic school under section 3327.01 of the Revised Code prior 23680
to making any change in the hours or days in which the nonpublic 23681
school is open for instruction. 23682

(G) The state board of education shall not adopt or enforce 23683
any rule or standard that imposes on chartered nonpublic schools 23684
the procedural requirements imposed on school districts by 23685
divisions (B), (C), (D), and (E) of this section. 23686

Sec. 3313.488. (A) Within fifteen days after the date the 23687
state board of education issues an order under section 3313.487 of 23688
the Revised Code making a school district subject to this section, 23689
the district's board of education shall prepare a fiscal statement 23690

of expenses and expenditures for the remainder of the current 23691
fiscal year. The fiscal statement shall be submitted to the 23692
superintendent of public instruction and shall set forth all 23693
revenues to be received by the district during the remainder of 23694
the fiscal year and their sources, the expenses to be incurred by 23695
the district during the remainder of the fiscal year, the 23696
outstanding and unpaid expenses at the time the fiscal statement 23697
is prepared and the date or dates by which such expenses must be 23698
paid, and such other information as the superintendent requires to 23699
enable the superintendent to ensure that during the remainder of 23700
the fiscal year, the district will not incur any expenses that 23701
will further impair its ability to operate an instructional 23702
program that meets or exceeds the minimum standards of the state 23703
board of education and requirements of the Revised Code during the 23704
current and ensuing fiscal years with the revenue available to it 23705
from existing revenue sources. The fiscal statement shall be 23706
presented in such detail and form as the superintendent 23707
prescribes. Beginning the tenth day after the fiscal statement is 23708
submitted and for the remainder of the fiscal year, the board 23709
shall not make any expenditure of money, make any employment, 23710
purchase, or rental contract, give any order involving the 23711
expenditure of money, or increase any wage or salary schedule 23712
unless the superintendent of public instruction has approved the 23713
fiscal statement in writing and the expenditure, contract, order, 23714
or schedule has been approved in writing by the superintendent as 23715
being in conformity with the fiscal statement. 23716

Any contract or expenditure made, order given, or schedule 23717
adopted or put into effect without the written approval of the 23718
superintendent of public instruction is void, and no warrant shall 23719
be issued in payment of any amount due thereon. 23720

(B) A board of education subject to division (A) of this 23721
section shall prepare a fiscal statement of expenses and 23722

expenditures for the ensuing fiscal year. The fiscal statement 23723
shall be submitted to the superintendent of public instruction and 23724
shall set forth all revenues to be received by the district during 23725
such year and their source, the expenses to be incurred by the 23726
district during such year, the outstanding and unpaid expenses on 23727
the first day of such fiscal year, the date or dates by which such 23728
expenses must be paid, and such other information as the 23729
superintendent requires to enable the superintendent to ensure 23730
that during such year, the district will not incur any expenses 23731
that will further impair its ability to operate an instructional 23732
program that meets or exceeds the minimum standards of the state 23733
board of education and requirements of the Revised Code during 23734
such year with the revenue available to it from existing revenue 23735
sources. The fiscal statement shall be presented at the time and 23736
in such detail and form as the superintendent prescribes. During 23737
the fiscal year following the year in which a board of education 23738
first becomes subject to division (A) of this section it shall not 23739
make any expenditure of money, make any employment, purchase, or 23740
rental contract, give any order involving the expenditure of 23741
money, or increase any wage or salary schedule unless the 23742
superintendent of public instruction has approved the fiscal 23743
statement submitted under this division in writing and has 23744
approved the expenditure, contract, order, or schedule in writing 23745
as being in conformity with the fiscal statement. 23746

Any contract or expenditure made, order given, or schedule 23747
adopted or put into effect without the written approval of the 23748
superintendent of public instruction is void, and no warrant shall 23749
be issued in payment of any amount due thereon. 23750

(C) The state board of education shall examine any fiscal 23751
statement presented to and approved by the superintendent of 23752
public instruction under division (B) of this section and shall 23753
determine whether the data set forth in the fiscal statement are 23754

factual and based upon assumptions that in its judgment are 23755
reasonable expectations consistent with acceptable governmental 23756
budget and accounting practices. If the state board so determines 23757
and finds that the revenues and expenditures in the fiscal 23758
statement are in balance for the fiscal year and the fiscal 23759
statement will enable the district to operate during such year 23760
without interrupting its school calendar, it shall certify its 23761
determination and finding to the district at least thirty days 23762
prior to the beginning of the fiscal year, and the district shall 23763
thereupon cease to be subject to this section. If the state board 23764
does not make such a determination and finding, the board of 23765
education and school district are subject to this division and 23766
division (B) of this section in the ensuing fiscal year and each 23767
fiscal year thereafter until the state board makes a 23768
determination, finding, and certification under this division. 23769

(D) Any officer, employee, or other person who knowingly 23770
expends or authorizes the expenditure of any public funds or 23771
knowingly authorizes or executes any contract, order, or schedule 23772
contrary to division (A) or (B) of this section or who knowingly 23773
expends or authorizes the expenditure of any public funds on any 23774
such void contract, order, or schedule is jointly and severally 23775
liable in person and upon any official bond that the officer, 23776
employee, or other person has given to such school district to the 23777
extent of any payments on the void claim, not to exceed twenty 23778
thousand dollars. The attorney general at the written request of 23779
the superintendent of public instruction shall enforce this 23780
liability by civil action brought in any court of appropriate 23781
jurisdiction in the name of and on behalf of the school district. 23782

~~(E) During each month that a board of education is subject to 23783
division (A), (B), or (C) of this section, the superintendent of 23784
public instruction shall submit a report to the speaker of the 23785
house of representatives and the president of the senate on the 23786~~

~~financial condition of the school district. The report shall 23787
contain the date by which the superintendent anticipates the 23788
district will cease to be subject to such divisions, the 23789
district's plans for becoming exempt from such section, and such 23790
other information the superintendent determines appropriate or the 23791
speaker of the house of representatives or president of the senate 23792
requests. 23793~~

~~In addition to the other reports required under this 23794
division, on the thirty first day of each school district fiscal 23795
year following a fiscal year in which a school district first 23796
becomes subject to this section, the superintendent shall submit a 23797
written report to the speaker of the house of representatives and 23798
the president of the senate. The report shall include 23799
recommendations to the general assembly for strengthening the 23800
financial condition of school districts based upon the experiences 23801
of the superintendent and the state board in exercising their 23802
powers under this section and sections 3313.483 and 3313.487 of 23803
the Revised Code. 23804~~

~~(F) This section does not apply to a school district declared 23805
to be under a fiscal emergency pursuant to division (B) of section 23806
3316.03 of the Revised Code. 23807~~

Sec. 3313.5315. Any student from a country or province 23808
outside the United States who attends an elementary or secondary 23809
school in this state that began operating a dormitory on its 23810
campus prior to 2014, shall be permitted to participate in 23811
interscholastic athletics at that school on the same basis as 23812
students who are residents of this state, so long as the student 23813
holds an F-1 visa issued by the United States department of state. 23814
Such a student shall not be denied the opportunity to participate 23815
in interscholastic athletics solely because the student's parents 23816
do not reside in this state. 23817

No school district, school, interscholastic conference, or organization that regulates interscholastic conferences or events shall have a rule, bylaw, or other regulation that conflicts with this section.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health,

and the use and effects of food additives; 23848

(b) The harmful effects of and legal restrictions against the 23849
use of drugs of abuse, alcoholic beverages, and tobacco, including 23850
electronic smoking devices; 23851

(c) Venereal disease education, except that upon written 23852
request of the student's parent or guardian, a student shall be 23853
excused from taking instruction in venereal disease education; 23854

(d) In grades kindergarten through six, instruction in 23855
personal safety and assault prevention, except that upon written 23856
request of the student's parent or guardian, a student shall be 23857
excused from taking instruction in personal safety and assault 23858
prevention; 23859

(e) In grades seven through twelve, age-appropriate 23860
instruction in dating violence prevention education, which shall 23861
include instruction in recognizing dating violence warning signs 23862
and characteristics of healthy relationships. 23863

In order to assist school districts in developing a dating 23864
violence prevention education curriculum, the department of 23865
education shall provide on its web site links to free curricula 23866
addressing dating violence prevention. 23867

If the parent or legal guardian of a student less than 23868
eighteen years of age submits to the principal of the student's 23869
school a written request to examine the dating violence prevention 23870
instruction materials used at that school, the principal, within a 23871
reasonable period of time after the request is made, shall allow 23872
the parent or guardian to examine those materials at that school. 23873

(f) Prescription opioid abuse prevention, with an emphasis on 23874
the prescription drug epidemic and the connection between 23875
prescription opioid abuse and addiction to other drugs, such as 23876
heroin; 23877

(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;	23878 23879 23880
(h) Beginning with the first day of the next school year that begins at least two years after the effective date of this amendment <u>March 24, 2021</u> , in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention;	23881 23882 23883 23884 23885 23886 23887 23888 23889 23890
(i) Beginning with the first day of the next school year that begins at least two years after the effective date of this amendment <u>March 24, 2021</u> , in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion.	23891 23892 23893 23894 23895 23896 23897
For the instruction required under divisions (A)(5)(h) and (i) of this section, the board shall use a training program approved by the department of education under section 3301.221 of the Revised Code.	23898 23899 23900 23901
Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A)(5)(h) and (i) of this section.	23902 23903 23904
(6) Physical education;	23905
(7) The fine arts, including music;	23906
(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section	23907 23908

3313.6021 of the Revised Code when offered in any of grades nine 23909
through twelve, safety, and fire prevention. However, upon written 23910
request of the student's parent or guardian, a student shall be 23911
excused from taking instruction in cardiopulmonary resuscitation. 23912

(B) Except as provided in division (E) of this section, every 23913
school or school district shall include in the requirements for 23914
promotion from the eighth grade to the ninth grade one year's 23915
course of study of American history. A board may waive this 23916
requirement for academically accelerated students who, in 23917
accordance with procedures adopted by the board, are able to 23918
demonstrate mastery of essential concepts and skills of the eighth 23919
grade American history course of study. 23920

(C) As specified in divisions (B)(6) and (C)(6) of section 23921
3313.603 of the Revised Code, except as provided in division (E) 23922
of this section, every high school shall include in the 23923
requirements for graduation from any curriculum one-half unit each 23924
of American history and government. 23925

(D) Except as provided in division (E) of this section, basic 23926
instruction or demonstrated mastery in geography, United States 23927
history, the government of the United States, the government of 23928
the state of Ohio, local government in Ohio, the Declaration of 23929
Independence, the United States Constitution, and the Constitution 23930
of the state of Ohio shall be required before pupils may 23931
participate in courses involving the study of social problems, 23932
economics, foreign affairs, United Nations, world government, 23933
socialism, and communism. 23934

(E) For each cooperative education school district 23935
established pursuant to section 3311.521 of the Revised Code and 23936
each city, exempted village, and local school district that has 23937
territory within such a cooperative district, the curriculum 23938
adopted pursuant to divisions (A) to (D) of this section shall 23939
only include the study of the subjects that apply to the grades 23940

operated by each such school district. The ~~curriculum~~ curricula 23941
for such schools, when combined, shall provide to each student of 23942
these districts all of the subjects required under divisions (A) 23943
to (D) of this section. 23944

(F) The board of education of any cooperative education 23945
school district established pursuant to divisions (A) to (C) of 23946
section 3311.52 of the Revised Code shall prescribe a curriculum 23947
for the subject areas and grade levels offered in any school under 23948
its control. 23949

(G) Upon the request of any parent or legal guardian of a 23950
student, the board of education of any school district shall 23951
permit the parent or guardian to promptly examine, with respect to 23952
the parent's or guardian's own child: 23953

(1) Any survey or questionnaire, prior to its administration 23954
to the child; 23955

(2) Any textbook, workbook, software, video, or other 23956
instructional materials being used by the district in connection 23957
with the instruction of the child; 23958

(3) Any completed and graded test taken or survey or 23959
questionnaire filled out by the child; 23960

(4) Copies of the statewide academic standards and each model 23961
curriculum developed pursuant to section 3301.079 of the Revised 23962
Code, which copies shall be available at all times during school 23963
hours in each district school building. 23964

Sec. 3313.603. (A) As used in this section: 23965

(1) "One unit" means a minimum of one hundred twenty hours of 23966
course instruction, except that for a laboratory course, "one 23967
unit" means a minimum of one hundred fifty hours of course 23968
instruction. 23969

(2) "One-half unit" means a minimum of sixty hours of course 23970

instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 23971
23972
23973

(B) Beginning September 15, 2001, except as required in 23974
division (C) of this section and division (C) of section 3313.614 23975
of the Revised Code, the requirements for graduation from every 23976
high school shall include twenty units earned in grades nine 23977
through twelve and shall be distributed as follows: 23978

(1) English language arts, four units; 23979

(2) Health, one-half unit; 23980

(3) Mathematics, three units; 23981

(4) Physical education, one-half unit; 23982

(5) Science, two units until September 15, 2003, and three 23983
units thereafter, which at all times shall include both of the 23984
following: 23985

(a) Biological sciences, one unit; 23986

(b) Physical sciences, one unit. 23987

(6) History and government, one unit, which shall comply with 23988
division (M) of this section and shall include both of the 23989
following: 23990

(a) American history, one-half unit; 23991

(b) American government, one-half unit. 23992

(7) Social studies, two units. 23993

Beginning with students who enter ninth grade for the first 23994
time on or after July 1, 2017, the two units of instruction 23995
prescribed by division (B)(7) of this section shall include at 23996
least one-half unit of instruction in the study of world history 23997
and civilizations. 23998

(8) Elective units, seven units until September 15, 2003, and 23999

six units thereafter. 24000

Each student's electives shall include at least one unit, or 24001
two half units, chosen from among the areas of 24002
business/technology, fine arts, and/or foreign language. 24003

(C) Beginning with students who enter ninth grade for the 24004
first time on or after July 1, 2010, except as provided in 24005
divisions (D) to (F) of this section, the requirements for 24006
graduation from every public and chartered nonpublic high school 24007
shall include twenty units that are designed to prepare students 24008
for the workforce and college. The units shall be distributed as 24009
follows: 24010

(1) English language arts, four units; 24011

(2) Health, one-half unit, which shall include instruction in 24012
nutrition and the benefits of nutritious foods and physical 24013
activity for overall health; 24014

(3) Mathematics, four units, which shall include one unit of 24015
algebra II or the equivalent of algebra II, or one unit of 24016
advanced computer science as described in the standards adopted 24017
pursuant to division (A)(4) of section 3301.079 of the Revised 24018
Code. However, students who enter ninth grade for the first time 24019
on or after July 1, 2015, and who are pursuing a career-technical 24020
instructional track shall not be required to take algebra II or 24021
advanced computer science, and instead may complete a career-based 24022
pathway mathematics course approved by the department of education 24023
as an alternative. 24024

For students who choose to take advanced computer science in 24025
lieu of algebra II under division (C)(3) of this section, the 24026
school shall communicate to those students that some institutions 24027
of higher education may require algebra II for the purpose of 24028
college admission. Also, the parent, guardian, or legal custodian 24029
of each student who chooses to take advanced computer science in 24030

lieu of algebra II shall sign and submit to the school a document 24031
containing a statement acknowledging that not taking algebra II 24032
may have an adverse effect on college admission decisions. 24033

(4) Physical education, one-half unit; 24034

(5) Science, three units with inquiry-based laboratory 24035
experience that engages students in asking valid scientific 24036
questions and gathering and analyzing information, which shall 24037
include the following, or their equivalent: 24038

(a) Physical sciences, one unit; 24039

(b) Life sciences, one unit; 24040

(c) Advanced study in one or more of the following sciences, 24041
one unit: 24042

(i) Chemistry, physics, or other physical science; 24043

(ii) Advanced biology or other life science; 24044

(iii) Astronomy, physical geology, or other earth or space 24045
science; 24046

(iv) Computer science. 24047

No student shall substitute a computer science course for a 24048
life sciences or biology course under division (C)(5) of this 24049
section. 24050

(6) History and government, one unit, which shall comply with 24051
division (M) of this section and shall include both of the 24052
following: 24053

(a) American history, one-half unit; 24054

(b) American government, one-half unit. 24055

(7) Social studies, two units. 24056

Each school shall integrate the study of economics and 24057
financial literacy, as expressed in the social studies academic 24058

content standards adopted by the state board of education under 24059
division (A)(1) of section 3301.079 of the Revised Code and the 24060
academic content standards for financial literacy and 24061
entrepreneurship adopted under division (A)(2) of that section, 24062
into one or more existing social studies credits required under 24063
division (C)(7) of this section, or into the content of another 24064
class, so that every high school student receives instruction in 24065
those concepts. In developing the curriculum required by this 24066
paragraph, schools shall use available public-private partnerships 24067
and resources and materials that exist in business, industry, and 24068
through the centers for economics education at institutions of 24069
higher education in the state. 24070

Beginning with students who enter ninth grade for the first 24071
time on or after July 1, 2017, the two units of instruction 24072
prescribed by division (C)(7) of this section shall include at 24073
least one-half unit of instruction in the study of world history 24074
and civilizations. 24075

(8) Five units consisting of one or any combination of 24076
foreign language, fine arts, business, career-technical education, 24077
family and consumer sciences, technology which may include 24078
computer science, agricultural education, a junior reserve officer 24079
training corps (JROTC) program approved by the congress of the 24080
United States under title 10 of the United States Code, or English 24081
language arts, mathematics, science, or social studies courses not 24082
otherwise required under division (C) of this section. 24083

Ohioans must be prepared to apply increased knowledge and 24084
skills in the workplace and to adapt their knowledge and skills 24085
quickly to meet the rapidly changing conditions of the 24086
twenty-first century. National studies indicate that all high 24087
school graduates need the same academic foundation, regardless of 24088
the opportunities they pursue after graduation. The goal of Ohio's 24089
system of elementary and secondary education is to prepare all 24090

students for and seamlessly connect all students to success in 24091
life beyond high school graduation, regardless of whether the next 24092
step is entering the workforce, beginning an apprenticeship, 24093
engaging in post-secondary training, serving in the military, or 24094
pursuing a college degree. 24095

The requirements for graduation prescribed in division (C) of 24096
this section are the standard expectation for all students 24097
entering ninth grade for the first time at a public or chartered 24098
nonpublic high school on or after July 1, 2010. A student may 24099
satisfy this expectation through a variety of methods, including, 24100
but not limited to, integrated, applied, career-technical, and 24101
traditional coursework. 24102

Stronger coordination between high schools and institutions 24103
of higher education is necessary to prepare students for more 24104
challenging academic endeavors and to lessen the need for academic 24105
remediation in college, thereby reducing the costs of higher 24106
education for Ohio's students, families, and the state. The state 24107
board and the chancellor of higher education shall develop 24108
policies to ensure that only in rare instances will students who 24109
complete the requirements for graduation prescribed in division 24110
(C) of this section require academic remediation after high 24111
school. 24112

School districts, community schools, and chartered nonpublic 24113
schools shall integrate technology into learning experiences 24114
across the curriculum in order to maximize efficiency, enhance 24115
learning, and prepare students for success in the 24116
technology-driven twenty-first century. Districts and schools 24117
shall use distance and web-based course delivery as a method of 24118
providing or augmenting all instruction required under this 24119
division, including laboratory experience in science. Districts 24120
and schools shall utilize technology access and electronic 24121
learning opportunities provided by the broadcast educational media 24122

commission, chancellor, the Ohio learning network, education 24123
technology centers, public television stations, and other public 24124
and private providers. 24125

(D) Except as provided in division (E) of this section, a 24126
student who enters ninth grade on or after July 1, 2010, and 24127
before July 1, 2016, may qualify for graduation from a public or 24128
chartered nonpublic high school even though the student has not 24129
completed the requirements for graduation prescribed in division 24130
(C) of this section if all of the following conditions are 24131
satisfied: 24132

(1) During the student's third year of attending high school, 24133
as determined by the school, the student and the student's parent, 24134
guardian, or custodian sign and file with the school a written 24135
statement asserting the parent's, guardian's, or custodian's 24136
consent to the student's graduating without completing the 24137
requirements for graduation prescribed in division (C) of this 24138
section and acknowledging that one consequence of not completing 24139
those requirements is ineligibility to enroll in most state 24140
universities in Ohio without further coursework. 24141

(2) The student and parent, guardian, or custodian fulfill 24142
any procedural requirements the school stipulates to ensure the 24143
student's and parent's, guardian's, or custodian's informed 24144
consent and to facilitate orderly filing of statements under 24145
division (D)(1) of this section. Annually, each district or school 24146
shall notify the department of the number of students who choose 24147
to qualify for graduation under division (D) of this section and 24148
the number of students who complete the student's success plan and 24149
graduate from high school. 24150

(3) The student and the student's parent, guardian, or 24151
custodian and a representative of the student's high school 24152
jointly develop a student success plan for the student in the 24153
manner described in division (C)(1) of section 3313.6020 of the 24154

Revised Code that specifies the student matriculating to a	24155
two-year degree program, acquiring a business and	24156
industry-recognized credential, or entering an apprenticeship.	24157
(4) The student's high school provides counseling and support	24158
for the student related to the plan developed under division	24159
(D)(3) of this section during the remainder of the student's high	24160
school experience.	24161
(5)(a) Except as provided in division (D)(5)(b) of this	24162
section, the student successfully completes, at a minimum, the	24163
curriculum prescribed in division (B) of this section.	24164
(b) Beginning with students who enter ninth grade for the	24165
first time on or after July 1, 2014, a student shall be required	24166
to complete successfully, at the minimum, the curriculum	24167
prescribed in division (B) of this section, except as follows:	24168
(i) Mathematics, four units, one unit which shall be one of	24169
the following:	24170
(I) Probability and statistics;	24171
(II) Computer science;	24172
(III) Applied mathematics or quantitative reasoning;	24173
(IV) Any other course approved by the department using	24174
standards established by the superintendent not later than October	24175
1, 2014.	24176
(ii) Elective units, five units;	24177
(iii) Science, three units as prescribed by division (B) of	24178
this section which shall include inquiry-based laboratory	24179
experience that engages students in asking valid scientific	24180
questions and gathering and analyzing information.	24181
The department, in collaboration with the chancellor, shall	24182
analyze student performance data to determine if there are	24183
mitigating factors that warrant extending the exception permitted	24184

~~by division (D) of this section to high school classes beyond 24185
those entering ninth grade before July 1, 2016. The department 24186
shall submit its findings and any recommendations not later than 24187
December 1, 2015, to the speaker and minority leader of the house 24188
of representatives, the president and minority leader of the 24189
senate, the chairpersons and ranking minority members of the 24190
standing committees of the house of representatives and the senate 24191
that consider education legislation, the state board of education, 24192
and the superintendent of public instruction. 24193~~

(E) Each school district and chartered nonpublic school 24194
retains the authority to require an even more challenging minimum 24195
curriculum for high school graduation than specified in division 24196
(B) or (C) of this section. A school district board of education, 24197
through the adoption of a resolution, or the governing authority 24198
of a chartered nonpublic school may stipulate any of the 24199
following: 24200

(1) A minimum high school curriculum that requires more than 24201
twenty units of academic credit to graduate; 24202

(2) An exception to the district's or school's minimum high 24203
school curriculum that is comparable to the exception provided in 24204
division (D) of this section but with additional requirements, 24205
which may include a requirement that the student successfully 24206
complete more than the minimum curriculum prescribed in division 24207
(B) of this section; 24208

(3) That no exception comparable to that provided in division 24209
(D) of this section is available. 24210

If a school district or chartered nonpublic school requires a 24211
foreign language as an additional graduation requirement under 24212
division (E) of this section, a student may apply one unit of 24213
instruction in computer coding to satisfy one unit of foreign 24214
language. If a student applies more than one computer coding 24215

course to satisfy the foreign language requirement, the courses 24216
shall be sequential and progressively more difficult. 24217

(F) A student enrolled in a dropout prevention and recovery 24218
program, which program has received a waiver from the department, 24219
may qualify for graduation from high school by successfully 24220
completing a competency-based instructional program administered 24221
by the dropout prevention and recovery program in lieu of 24222
completing the requirements for graduation prescribed in division 24223
(C) of this section. The department shall grant a waiver to a 24224
dropout prevention and recovery program, within sixty days after 24225
the program applies for the waiver, if the program meets all of 24226
the following conditions: 24227

(1) The program serves only students not younger than sixteen 24228
years of age and not older than twenty-one years of age. 24229

(2) The program enrolls students who, at the time of their 24230
initial enrollment, either, or both, are at least one grade level 24231
behind their cohort age groups or experience crises that 24232
significantly interfere with their academic progress such that 24233
they are prevented from continuing their traditional programs. 24234

(3) The program requires students to attain at least the 24235
applicable score designated for each of the assessments prescribed 24236
under division (B)(1) of section 3301.0710 of the Revised Code or, 24237
to the extent prescribed by rule of the state board under division 24238
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 24239
of that section. 24240

(4) The program develops a student success plan for the 24241
student in the manner described in division (C)(1) of section 24242
3313.6020 of the Revised Code that specifies the student's 24243
matriculating to a two-year degree program, acquiring a business 24244
and industry-recognized credential, or entering an apprenticeship. 24245

(5) The program provides counseling and support for the 24246

student related to the plan developed under division (F)(4) of 24247
this section during the remainder of the student's high school 24248
experience. 24249

(6) The program requires the student and the student's 24250
parent, guardian, or custodian to sign and file, in accordance 24251
with procedural requirements stipulated by the program, a written 24252
statement asserting the parent's, guardian's, or custodian's 24253
consent to the student's graduating without completing the 24254
requirements for graduation prescribed in division (C) of this 24255
section and acknowledging that one consequence of not completing 24256
those requirements is ineligibility to enroll in most state 24257
universities in Ohio without further coursework. 24258

(7) Prior to receiving the waiver, the program has submitted 24259
to the department an instructional plan that demonstrates how the 24260
academic content standards adopted by the state board under 24261
section 3301.079 of the Revised Code will be taught and assessed. 24262

(8) Prior to receiving the waiver, the program has submitted 24263
to the department a policy on career advising that satisfies the 24264
requirements of section 3313.6020 of the Revised Code, with an 24265
emphasis on how every student will receive career advising. 24266

(9) Prior to receiving the waiver, the program has submitted 24267
to the department a written agreement outlining the future 24268
cooperation between the program and any combination of local job 24269
training, postsecondary education, nonprofit, and health and 24270
social service organizations to provide services for students in 24271
the program and their families. 24272

Divisions (F)(8) and (9) of this section apply only to 24273
waivers granted on or after July 1, 2015. 24274

If the department does not act either to grant the waiver or 24275
to reject the program application for the waiver within sixty days 24276
as required under this section, the waiver shall be considered to 24277

be granted. 24278

(G) Every high school may permit students below the ninth 24279
grade to take advanced work. If a high school so permits, it shall 24280
award high school credit for successful completion of the advanced 24281
work and shall count such advanced work toward the graduation 24282
requirements of division (B) or (C) of this section if the 24283
advanced work was both: 24284

(1) Taught by a person who possesses a license or certificate 24285
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 24286
Code that is valid for teaching high school; 24287

(2) Designated by the board of education of the city, local, 24288
or exempted village school district, the board of the cooperative 24289
education school district, or the governing authority of the 24290
chartered nonpublic school as meeting the high school curriculum 24291
requirements. 24292

Each high school shall record on the student's high school 24293
transcript all high school credit awarded under division (G) of 24294
this section. In addition, if the student completed a seventh- or 24295
eighth-grade fine arts course described in division (K) of this 24296
section and the course qualified for high school credit under that 24297
division, the high school shall record that course on the 24298
student's high school transcript. 24299

(H) The department shall make its individual academic career 24300
plan available through its Ohio career information system web site 24301
for districts and schools to use as a tool for communicating with 24302
and providing guidance to students and families in selecting high 24303
school courses. 24304

(I) A school district or chartered nonpublic school may 24305
integrate academic content in a subject area for which the state 24306
board has adopted standards under section 3301.079 of the Revised 24307
Code into a course in a different subject area, including a 24308

career-technical education course, in accordance with guidance for 24309
integrated coursework developed by the department. Upon successful 24310
completion of an integrated course, a student may receive credit 24311
for both subject areas that were integrated into the course. Units 24312
earned for subject area content delivered through integrated 24313
academic and career-technical instruction are eligible to meet the 24314
graduation requirements of division (B) or (C) of this section. 24315

For purposes of meeting graduation requirements, if an 24316
end-of-course examination has been prescribed under section 24317
3301.0712 of the Revised Code for the subject area delivered 24318
through integrated instruction, the school district or school may 24319
administer the related subject area examinations upon the 24320
student's completion of the integrated course. 24321

Nothing in division (I) of this section shall be construed to 24322
excuse any school district, chartered nonpublic school, or student 24323
from any requirement in the Revised Code related to curriculum, 24324
assessments, or the awarding of a high school diploma. 24325

(J)(1) The state board, in consultation with the chancellor, 24326
shall adopt a statewide plan implementing methods for students to 24327
earn units of high school credit based on a demonstration of 24328
subject area competency, instead of or in combination with 24329
completing hours of classroom instruction. The state board shall 24330
adopt the plan not later than March 31, 2009, and commence phasing 24331
in the plan during the 2009-2010 school year. The plan shall 24332
include a standard method for recording demonstrated proficiency 24333
on high school transcripts. Each school district and community 24334
school shall comply with the state board's plan adopted under this 24335
division and award units of high school credit in accordance with 24336
the plan. The state board may adopt existing methods for earning 24337
high school credit based on a demonstration of subject area 24338
competency as necessary prior to the 2009-2010 school year. 24339

(2) Not later than December 31, 2015, the state board shall 24340

update the statewide plan adopted pursuant to division (J)(1) of 24341
this section to also include methods for students enrolled in 24342
seventh and eighth grade to meet curriculum requirements based on 24343
a demonstration of subject area competency, instead of or in 24344
combination with completing hours of classroom instruction. 24345
Beginning with the 2017-2018 school year, each school district and 24346
community school also shall comply with the updated plan adopted 24347
pursuant to this division and permit students enrolled in seventh 24348
and eighth grade to meet curriculum requirements based on subject 24349
area competency in accordance with the plan. 24350

(3) Not later than December 31, 2017, the department shall 24351
develop a framework for school districts and community schools to 24352
use in granting units of high school credit to students who 24353
demonstrate subject area competency through work-based learning 24354
experiences, internships, or cooperative education. Beginning with 24355
the 2018-2019 school year, each district and community school 24356
shall comply with the framework. Each district and community 24357
school also shall review any policy it has adopted regarding the 24358
demonstration of subject area competency to identify ways to 24359
incorporate work-based learning experiences, internships, and 24360
cooperative education into the policy in order to increase student 24361
engagement and opportunities to earn units of high school credit. 24362

(K) This division does not apply to students who qualify for 24363
graduation from high school under division (D) or (F) of this 24364
section, or to students pursuing a career-technical instructional 24365
track as determined by the school district board of education or 24366
the chartered nonpublic school's governing authority. 24367
Nevertheless, the general assembly encourages such students to 24368
consider enrolling in a fine arts course as an elective. 24369

Beginning with students who enter ninth grade for the first 24370
time on or after July 1, 2010, each student enrolled in a public 24371
or chartered nonpublic high school shall complete two semesters or 24372

the equivalent of fine arts to graduate from high school. The 24373
coursework may be completed in any of grades seven to twelve. Each 24374
student who completes a fine arts course in grade seven or eight 24375
may elect to count that course toward the five units of electives 24376
required for graduation under division (C)(8) of this section, if 24377
the course satisfied the requirements of division (G) of this 24378
section. In that case, the high school shall award the student 24379
high school credit for the course and count the course toward the 24380
five units required under division (C)(8) of this section. If the 24381
course in grade seven or eight did not satisfy the requirements of 24382
division (G) of this section, the high school shall not award the 24383
student high school credit for the course but shall count the 24384
course toward the two semesters or the equivalent of fine arts 24385
required by this division. 24386

(L) Notwithstanding anything to the contrary in this section, 24387
the board of education of each school district and the governing 24388
authority of each chartered nonpublic school may adopt a policy to 24389
excuse from the high school physical education requirement each 24390
student who, during high school, has participated in 24391
interscholastic athletics, marching band, show choir, or 24392
cheerleading for at least two full seasons or in the junior 24393
reserve officer training corps for at least two full school years. 24394
If the board or authority adopts such a policy, the board or 24395
authority shall not require the student to complete any physical 24396
education course as a condition to graduate. However, the student 24397
shall be required to complete one-half unit, consisting of at 24398
least sixty hours of instruction, in another course of study. In 24399
the case of a student who has participated in the junior reserve 24400
officer training corps for at least two full school years, credit 24401
received for that participation may be used to satisfy the 24402
requirement to complete one-half unit in another course of study. 24403

(M) It is important that high school students learn and 24404

understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to

satisfy curriculum requirements under that division, the courses 24435
shall be sequential and progressively more difficult or cover 24436
different subject areas within computer science. 24437

Sec. 3313.608. (A)(1) Beginning with students who enter third 24438
grade in the school year that starts July 1, 2009, and until June 24439
30, 2013, unless the student is excused under division (C) of 24440
section 3301.0711 of the Revised Code from taking the assessment 24441
described in this section, for any student who does not attain at 24442
least the equivalent level of achievement designated under 24443
division (A)(3) of section 3301.0710 of the Revised Code on the 24444
assessment prescribed under that section to measure skill in 24445
English language arts expected at the end of third grade, each 24446
school district, in accordance with the policy adopted under 24447
section 3313.609 of the Revised Code, shall do one of the 24448
following: 24449

(a) Promote the student to fourth grade if the student's 24450
principal and reading teacher agree that other evaluations of the 24451
student's skill in reading demonstrate that the student is 24452
academically prepared to be promoted to fourth grade; 24453

(b) Promote the student to fourth grade but provide the 24454
student with intensive intervention services in fourth grade; 24455

(c) Retain the student in third grade. 24456

(2) Beginning with students who enter third grade in the 24457
2013-2014 school year, unless the student is excused under 24458
division (C) of section 3301.0711 of the Revised Code from taking 24459
the assessment described in this section, no school district shall 24460
promote to fourth grade any student who does not attain at least 24461
the equivalent level of achievement designated under division 24462
(A)(3) of section 3301.0710 of the Revised Code on the assessment 24463
prescribed under that section to measure skill in English language 24464
arts expected at the end of third grade, unless one of the 24465

following applies:	24466
(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.	24467 24468 24469 24470
(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.	24471 24472 24473 24474
(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.	24475 24476 24477
(d) All of the following apply:	24478
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	24479 24480 24481
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	24482 24483 24484
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	24485 24486 24487 24488 24489
(iv) The student previously was retained in any of grades kindergarten to three.	24490 24491
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	24492 24493 24494 24495

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

~~(B)(1)~~(B)(1)(a) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the ~~first day of November~~ twentieth day of instruction of the school year for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. ~~The~~

(b) ~~The~~ policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(c) ~~Except for the kindergarten readiness assessment described in section 3301.0715 of the Revised Code, any comparable~~

tool approved by the department for grades kindergarten through 24528
three shall include a sufficient number of items related to 24529
phonological awareness, phonemic awareness, rapid naming skills, 24530
nonsense word fluency, and correspondence between sounds and 24531
letters to identify students who may need further measures to 24532
determine if the students have dyslexia, as defined in section 24533
3319.80 of the Revised Code. 24534

(d) For each comparable tool approved under this section, the 24535
department shall require that the test vendor share information 24536
with the school regarding student performance on identification 24537
items related to dyslexia as described under division (B)(1)(c) of 24538
this section. The department also shall require the vendor to 24539
provide a summary of such information to the department, in the 24540
manner prescribed by the department. 24541

(2) For each student identified by the diagnostic assessment 24542
prescribed under this section as having reading skills below grade 24543
level, the district shall do both of the following: 24544

(a) Provide to the student's parent or guardian, in writing, 24545
all of the following: 24546

(i) Notification that the student has been identified as 24547
having a substantial deficiency in reading; 24548

(ii) A description of the current services that are provided 24549
to the student; 24550

(iii) A description of the proposed supplemental 24551
instructional services and supports that will be provided to the 24552
student that are designed to remediate the identified areas of 24553
reading deficiency; 24554

(iv) Notification that if the student attains a score in the 24555
range designated under division (A)(3) of section 3301.0710 of the 24556
Revised Code on the assessment prescribed under that section to 24557
measure skill in English language arts expected at the end of 24558

third grade, the student shall be retained unless the student is 24559
exempt under division (A) of this section. The notification shall 24560
specify that the assessment under section 3301.0710 of the Revised 24561
Code is not the sole determinant of promotion and that additional 24562
evaluations and assessments are available to the student to assist 24563
parents and the district in knowing when a student is reading at 24564
or above grade level and ready for promotion. 24565

(b) Provide intensive reading instruction services and 24566
regular diagnostic assessments to the student immediately 24567
following identification of a reading deficiency until the 24568
development of the reading improvement and monitoring plan 24569
required by division (C) of this section. These intervention 24570
services shall include research-based reading strategies that have 24571
been shown to be successful in improving reading among 24572
low-performing readers and instruction targeted at the student's 24573
identified reading deficiencies. 24574

(3) For each student retained under division (A) of this 24575
section, the district shall do all of the following: 24576

(a) Provide intense remediation services until the student is 24577
able to read at grade level. The remediation services shall 24578
include intensive interventions in reading that address the areas 24579
of deficiencies identified under this section including, but not 24580
limited to, not less than ninety minutes of reading instruction 24581
per day, and may include any of the following: 24582

(i) Small group instruction; 24583

(ii) Reduced teacher-student ratios; 24584

(iii) More frequent progress monitoring; 24585

(iv) Tutoring or mentoring; 24586

(v) Transition classes containing third and fourth grade 24587
students; 24588

(vi) Extended school day, week, or year;	24589
(vii) Summer reading camps.	24590
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	24591 24592 24593
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	24594 24595
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	24596 24597 24598 24599 24600 24601 24602 24603
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	24604 24605 24606 24607 24608
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	24609 24610
<u>(5) Any tool approved by the department under division (B) of this section, other than the kindergarten readiness assessment, may be used to meet the requirement to administer a tier one dyslexia screening under section 3323.251 of the Revised Code.</u>	24611 24612 24613 24614
(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable	24615 24616 24617 24618

tool administered under division (B)(1) of this section. The 24619
district shall involve the student's parent or guardian and 24620
classroom teacher in developing the plan. The plan shall include 24621
all of the following: 24622

(1) Identification of the student's specific reading 24623
deficiencies; 24624

(2) A description of the additional instructional services 24625
and support that will be provided to the student to remediate the 24626
identified reading deficiencies; 24627

(3) Opportunities for the student's parent or guardian to be 24628
involved in the instructional services and support described in 24629
division (C)(2) of this section; 24630

(4) A process for monitoring the extent to which the student 24631
receives the instructional services and support described in 24632
division (C)(2) of this section; 24633

(5) A reading curriculum during regular school hours that 24634
does all of the following: 24635

(a) Assists students to read at grade level; 24636

(b) Provides scientifically based and reliable assessment; 24637

(c) Provides initial and ongoing analysis of each student's 24638
reading progress. 24639

(6) A statement that if the student does not attain at least 24640
the equivalent level of achievement designated under division 24641
(A)(3) of section 3301.0710 of the Revised Code on the assessment 24642
prescribed under that section to measure skill in English language 24643
arts expected by the end of third grade, the student may be 24644
retained in third grade. 24645

Each student with a reading improvement and monitoring plan 24646
under this division who enters third grade after July 1, 2013, 24647
shall be assigned to a teacher who satisfies one or more of the 24648

criteria set forth in division (H) of this section. 24649

The district shall report any information requested by the 24650
department about the reading improvement monitoring plans 24651
developed under this division in the manner required by the 24652
department. 24653

(D) Each school district shall report annually to the 24654
department on its implementation and compliance with this section 24655
using guidelines prescribed by the superintendent of public 24656
instruction. The superintendent of public instruction annually 24657
shall report to the governor and general assembly the number and 24658
percentage of students in grades kindergarten through four reading 24659
below grade level based on the diagnostic assessments administered 24660
under division (B) of this section and the achievement assessments 24661
administered under divisions (A)(1)(a) and (b) of section 24662
3301.0710 of the Revised Code in English language arts, aggregated 24663
by school district and building; the types of intervention 24664
services provided to students; and, if available, an evaluation of 24665
the efficacy of the intervention services provided. 24666

(E) Any summer remediation services funded in whole or in 24667
part by the state and offered by school districts to students 24668
under this section shall meet the following conditions: 24669

(1) The remediation methods are based on reliable educational 24670
research. 24671

(2) The school districts conduct assessment before and after 24672
students participate in the program to facilitate monitoring 24673
results of the remediation services. 24674

(3) The parents of participating students are involved in 24675
programming decisions. 24676

(F) Any intervention or remediation services required by this 24677
section shall include intensive, explicit, and systematic 24678
instruction. 24679

(G) This section does not create a new cause of action or a substantive legal right for any person. 24680
24681

(H)(1) Except as provided under divisions (H)(2), (3), and 24682
(4) of this section, each student described in division (B)(3) or 24683
(C) of this section who enters third grade for the first time on 24684
or after July 1, 2013, shall be assigned a teacher who has at 24685
least one year of teaching experience and who satisfies one or 24686
more of the following criteria: 24687

(a) The teacher holds a reading endorsement on the teacher's 24688
license and has attained a passing score on the corresponding 24689
assessment for that endorsement, as applicable. 24690

(b) The teacher has completed a master's degree program with 24691
a major in reading. 24692

(c) The teacher was rated "most effective" for reading 24693
instruction consecutively for the most recent two years based on 24694
assessments of student growth measures developed by a vendor and 24695
that is on the list of student assessments approved by the state 24696
board under division (B)(2) of section 3319.112 of the Revised 24697
Code. 24698

(d) The teacher was rated "above expected value added," in 24699
reading instruction, as determined by criteria established by the 24700
department, for the most recent, consecutive two years. 24701

(e) The teacher has earned a passing score on a rigorous test 24702
of principles of scientifically research-based reading instruction 24703
as approved by the state board. 24704

(f) The teacher holds an educator license for teaching grades 24705
pre-kindergarten through three or four through nine issued on or 24706
after July 1, 2017. 24707

(2) Notwithstanding division (H)(1) of this section, a 24708
student described in division (B)(3) or (C) of this section who 24709

enters third grade for the first time on or after July 1, 2013, 24710
may be assigned to a teacher with less than one year of teaching 24711
experience provided that the teacher meets one or more of the 24712
criteria described in divisions (H)(1)(a) to (f) of this section 24713
and that teacher is assigned a teacher mentor who meets the 24714
qualifications of division (H)(1) of this section. 24715

(3) Notwithstanding division (H)(1) of this section, a 24716
student described in division (B)(3) or (C) of this section who 24717
enters third grade for the first time on or after July 1, 2013, 24718
but prior to July 1, 2016, may be assigned to a teacher who holds 24719
an alternative credential approved by the department or who has 24720
successfully completed training that is based on principles of 24721
scientifically research-based reading instruction that has been 24722
approved by the department. Beginning on July 1, 2014, the 24723
alternative credentials and training described in division (H)(3) 24724
of this section shall be aligned with the reading competencies 24725
adopted by the state board of education under section 3301.077 of 24726
the Revised Code. 24727

(4) Notwithstanding division (H)(1) of this section, a 24728
student described in division (B)(3) or (C) of this section who 24729
enters third grade for the first time on or after July 1, 2013, 24730
may receive reading intervention or remediation services under 24731
this section from an individual employed as a speech-language 24732
pathologist who holds a license issued by the state speech and 24733
hearing professionals board under Chapter 4753. of the Revised 24734
Code and a professional pupil services license as a school 24735
speech-language pathologist issued by the state board of 24736
education. 24737

(5) A teacher, other than a student's teacher of record, may 24738
provide any services required under this section, so long as that 24739
other teacher meets the requirements of division (H) of this 24740
section and the teacher of record and the school principal agree 24741

to the assignment. Any such assignment shall be documented in the 24742
student's reading improvement and monitoring plan. 24743

As used in this division, "teacher of record" means the 24744
classroom teacher to whom a student is assigned. 24745

(I) Notwithstanding division (H) of this section, a teacher 24746
may teach reading to any student who is an English language 24747
learner, and has been in the United States for three years or 24748
less, or to a student who has an individualized education program 24749
developed under Chapter 3323. of the Revised Code if that teacher 24750
holds an alternative credential approved by the department or has 24751
successfully completed training that is based on principles of 24752
scientifically research-based reading instruction that has been 24753
approved by the department. Beginning on July 1, 2014, the 24754
alternative credentials and training described in this division 24755
shall be aligned with the reading competencies adopted by the 24756
state board of education under section 3301.077 of the Revised 24757
Code. 24758

(J) If, on or after June 4, 2013, a school district or 24759
community school cannot furnish the number of teachers needed who 24760
satisfy one or more of the criteria set forth in division (H) of 24761
this section for the 2013-2014 school year, the school district or 24762
community school shall develop and submit a staffing plan by June 24763
30, 2013. The staffing plan shall include criteria that will be 24764
used to assign a student described in division (B)(3) or (C) of 24765
this section to a teacher, credentials or training held by 24766
teachers currently teaching at the school, and how the school 24767
district or community school will meet the requirements of this 24768
section. The school district or community school shall post the 24769
staffing plan on its web site for the applicable school year. 24770

Not later than March 1, 2014, and on the first day of March 24771
in each year thereafter, a school district or community school 24772
that has submitted a plan under this division shall submit to the 24773

department a detailed report of the progress the district or 24774
school has made in meeting the requirements under this section. 24775

A school district or community school may request an 24776
extension of a staffing plan beyond the 2013-2014 school year. 24777
Extension requests must be submitted to the department not later 24778
than the thirtieth day of April prior to the start of the 24779
applicable school year. The department may grant extensions valid 24780
through the 2015-2016 school year. 24781

Until June 30, 2015, the department annually shall review all 24782
staffing plans and report to the state board not later than the 24783
thirtieth day of June of each year the progress of school 24784
districts and community schools in meeting the requirements of 24785
this section. 24786

(K) The department of education shall designate one or more 24787
staff members to provide guidance and assistance to school 24788
districts and community schools in implementing the third grade 24789
guarantee established by this section, including any standards or 24790
requirements adopted to implement the guarantee and to provide 24791
information and support for reading instruction and achievement. 24792

Sec. 3313.6013. (A) As used in this section, "advanced 24793
standing program" means a program that enables a student to earn 24794
credit toward a degree from an institution of higher education 24795
while enrolled in high school or that enables a student to 24796
complete coursework while enrolled in high school that may earn 24797
credit toward a degree from an institution of higher education 24798
upon the student's attainment of a specified score on an 24799
examination covering the coursework. Advanced standing programs 24800
may include any of the following: 24801

(1) The college credit plus program established under Chapter 24802
3365. of the Revised Code; 24803

(2) Advanced placement courses;	24804
(3) International baccalaureate diploma courses;	24805
(4) Early college high school programs.	24806
(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B)(1) or (2) of this section, as applicable.	24807 24808 24809 24810 24811 24812 24813 24814
(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education.	24815 24816 24817 24818 24819 24820 24821 24822 24823 24824 24825
(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of	24826 24827 24828 24829 24830 24831 24832 24833 24834

education. 24835

(C) Each school district and each chartered nonpublic high 24836
school, at least annually, shall provide information about the 24837
advanced standing programs offered by the district or school to 24838
all students enrolled in grades six through eleven. The district 24839
or school shall include information about all of the following: 24840

(1) The process colleges and universities use in awarding 24841
credit for advanced placement and international baccalaureate 24842
courses and examinations, including minimum scores required by 24843
state institutions of higher education, as defined in section 24844
3345.011 of the Revised Code, for a student to receive college 24845
credit; 24846

(2) The availability of tuition and fee waivers for advanced 24847
placement and international baccalaureate courses and 24848
examinations; 24849

(3) The availability of online advanced placement or 24850
international baccalaureate courses, including those that may be 24851
available at no cost; 24852

(4) The benefits of earning postsecondary credit through 24853
advanced placement or international baccalaureate courses; 24854

(5) The availability of advanced placement or international 24855
baccalaureate courses offered throughout the district. 24856

The district or school may include additional information as 24857
determined appropriate by the district or school. 24858

(D) Except as provided for in Chapter 3365. of the Revised 24859
Code, no city, local, exempted village, and joint vocational 24860
school district shall charge an enrolled student an additional fee 24861
or tuition for participation in any advanced standing program 24862
offered by the district. Students may be required to pay the costs 24863
associated with taking an advanced placement or international 24864

baccalaureate examination. 24865

(E) Any agreement between a school district or school and an 24866
associated college governing the operation of an early college 24867
high school program shall be exempt from the requirements of the 24868
college credit plus program, provided the program meets the 24869
definition set forth in division (F)(2) of this section and is 24870
approved by the superintendent of public instruction and the 24871
chancellor of higher education. 24872

The college credit plus program also shall not govern any 24873
advanced placement course or international baccalaureate diploma 24874
course as described under this section. 24875

(F) As used in this section: 24876

(1) "Associated college" means a public or private college, 24877
as defined in section 3365.01 of the Revised Code, which has 24878
entered into an agreement with a school district or school to 24879
establish an early college high school program, as described in 24880
division (F)(2) of this section, and awards transcribed credit, 24881
as defined in section 3365.01 of the Revised Code, to students 24882
through that program. 24883

(2) "Early college high school program" means a partnership 24884
between at least one school district or school and at least one 24885
institution of higher education that allows participants to 24886
simultaneously complete requirements toward earning a regular high 24887
school diploma and have the opportunity to earn not less than 24888
twenty-four credits that are transferable to the institutions of 24889
higher education in the partnership as part of an organized course 24890
of study toward a post-secondary degree or credential at no cost 24891
to the participant or participant's family. The program also shall 24892
prioritize the following students: 24893

(a) Students who are underrepresented in regard to completing 24894
post-secondary education; 24895

(b) Students who are economically disadvantaged, as defined by the department of education;	24896 24897
(c) Students whose parents did not earn a college degree.	24898
<u>Sec. 3313.6026. (A) As used in this section, "school governing authority" means any of the following:</u>	24899 24900
<u>(1) The governing authority of a community school established under Chapter 3314. of the Revised Code;</u>	24901 24902
<u>(2) The governing body of a STEM school established under Chapter 3326. of the Revised Code;</u>	24903 24904
<u>(3) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;</u>	24905 24906
<u>(4) The governing authority of a chartered nonpublic school.</u>	24907
<u>(B) Each school district board of education and each school governing authority that operates a high school shall enter into a data sharing agreement with the chancellor of higher education for the purposes of operating the free application for federal student aid data system established under section 3333.301 of the Revised Code. Each school district or school shall provide principals and school counselors with access to the data system to assist with efforts to support and encourage students to complete the free application for federal student aid form.</u>	24908 24909 24910 24911 24912 24913 24914 24915 24916
<u>Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:</u>	24917 24918 24919 24920
<u>(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of</u>	24921 24922 24923 24924

section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with

rules of the state board, by any such district board to anyone who 24955
accomplishes all of the following: 24956

(1) Successfully completes the curriculum in any high school 24957
or the individualized education program developed for the person 24958
by any high school pursuant to section 3323.08 of the Revised 24959
Code; 24960

(2) Subject to section 3313.614 of the Revised Code, has met 24961
the assessment requirements of division (B)(2)(a) or (b) of this 24962
section, as applicable. 24963

(a) If the person entered the ninth grade prior to July 1, 24964
2014, the person either: 24965

(i) Has attained at least the applicable scores designated 24966
under division (B)(1) of section 3301.0710 of the Revised Code on 24967
all the assessments required by that division; 24968

(ii) Has satisfied the alternative conditions prescribed in 24969
section 3313.615 of the Revised Code. 24970

(b) If the person entered the ninth grade on or after July 1, 24971
2014, the person has met the requirement prescribed under section 24972
3313.618 of the Revised Code. 24973

(3) Has met additional criteria established by the state 24974
board for the granting of such a diploma. 24975

An honors diploma shall not be granted to a student who is 24976
subject to the requirements prescribed in division (C) of section 24977
3313.603 of the Revised Code but elects the option of division (D) 24978
or (F) of that section. Except as provided in divisions (C), (E), 24979
and (J) of this section, no honors diploma shall be granted to 24980
anyone failing to comply with this division and no more than one 24981
honors diploma shall be granted to any student under this 24982
division. 24983

The state board shall adopt rules prescribing the granting of 24984

honors diplomas under this division. These rules may prescribe the 24985
granting of honors diplomas that recognize a student's achievement 24986
as a whole or that recognize a student's achievement in one or 24987
more specific subjects or both. The rules may prescribe the 24988
granting of an honors diploma recognizing technical expertise for 24989
a career-technical student. In any case, the rules shall designate 24990
two or more criteria for the granting of each type of honors 24991
diploma the board establishes under this division and the number 24992
of such criteria that must be met for the granting of that type of 24993
diploma. The number of such criteria for any type of honors 24994
diploma shall be at least one less than the total number of 24995
criteria designated for that type and no one or more particular 24996
criteria shall be required of all persons who are to be granted 24997
that type of diploma. 24998

(C) Any district board administering any of the assessments 24999
required by section 3301.0710 of the Revised Code to any person 25000
requesting to take such assessment pursuant to division (B)(8)(b) 25001
of section 3301.0711 of the Revised Code shall award a diploma to 25002
such person if the person attains at least the applicable scores 25003
designated under division (B)(1) of section 3301.0710 of the 25004
Revised Code on all the assessments administered and if the person 25005
has previously attained the applicable scores on all the other 25006
assessments required by division (B)(1) of that section or has 25007
been exempted or excused from attaining the applicable score on 25008
any such assessment pursuant to division (H) or (L) of this 25009
section or from taking any such assessment pursuant to section 25010
3313.532 of the Revised Code. 25011

(D) Each diploma awarded under this section shall be signed 25012
by the president and treasurer of the issuing board, the 25013
superintendent of schools, and the principal of the high school. 25014
Each diploma shall bear the date of its issue, be in such form as 25015
the district board prescribes, and be paid for out of the 25016

district's general fund. 25017

(E) A person who is a resident of Ohio and is eligible under 25018
state board of education minimum standards to receive a high 25019
school diploma based in whole or in part on credits earned while 25020
an inmate of a correctional institution operated by the state or 25021
any political subdivision thereof, shall be granted such diploma 25022
by the correctional institution operating the programs in which 25023
such credits were earned, and by the board of education of the 25024
school district in which the inmate resided immediately prior to 25025
the inmate's placement in the institution. The diploma granted by 25026
the correctional institution shall be signed by the director of 25027
the institution, and by the person serving as principal of the 25028
institution's high school and shall bear the date of issue. 25029

(F) Persons who are not residents of Ohio but who are inmates 25030
of correctional institutions operated by the state or any 25031
political subdivision thereof, and who are eligible under state 25032
board of education minimum standards to receive a high school 25033
diploma based in whole or in part on credits earned while an 25034
inmate of the correctional institution, shall be granted a diploma 25035
by the correctional institution offering the program in which the 25036
credits were earned. The diploma granted by the correctional 25037
institution shall be signed by the director of the institution and 25038
by the person serving as principal of the institution's high 25039
school and shall bear the date of issue. 25040

(G) The state board of education shall provide by rule for 25041
the administration of the assessments required by sections 25042
3301.0710 and 3301.0712 of the Revised Code to inmates of 25043
correctional institutions. 25044

(H) Any person to whom all of the following apply shall be 25045
exempted from attaining the applicable score on the assessment in 25046
social studies designated under division (B)(1) of section 25047
3301.0710 of the Revised Code, any American history end-of-course 25048

examination and any American government end-of-course examination 25049
required under division (B) of section 3301.0712 of the Revised 25050
Code if such an exemption is prescribed by rule of the state board 25051
under division (D)(3) of section 3301.0712 of the Revised Code, or 25052
the test in citizenship designated under former division (B) of 25053
section 3301.0710 of the Revised Code as it existed prior to 25054
September 11, 2001: 25055

(1) The person is not a citizen of the United States; 25056

(2) The person is not a permanent resident of the United 25057
States; 25058

(3) The person indicates no intention to reside in the United 25059
States after the completion of high school. 25060

(I) Notwithstanding division (D) of section 3311.19 and 25061
division (D) of section 3311.52 of the Revised Code, this section 25062
and section 3313.611 of the Revised Code do not apply to the board 25063
of education of any joint vocational school district or any 25064
cooperative education school district established pursuant to 25065
divisions (A) to (C) of section 3311.52 of the Revised Code. 25066

(J) Upon receipt of a notice under division (D) of section 25067
3325.08 or division (D) of section 3328.25 of the Revised Code 25068
that a student has received a diploma under either section, the 25069
board of education receiving the notice may grant a high school 25070
diploma under this section to the student, except that such board 25071
shall grant the student a diploma if the student meets the 25072
graduation requirements that the student would otherwise have had 25073
to meet to receive a diploma from the district. The diploma 25074
granted under this section shall be of the same type the notice 25075
indicates the student received under section 3325.08 or 3328.25 of 25076
the Revised Code. 25077

(K) As used in this division, "English learner" has the same 25078
meaning as in division (C)(3) of section 3301.0711 of the Revised 25079

Code. 25080

Notwithstanding division (C)(3) of section 3301.0711 of the 25081
Revised Code, no English learner who has not either attained the 25082
applicable scores designated under division (B)(1) of section 25083
3301.0710 of the Revised Code on all the assessments required by 25084
that division, or met the requirement prescribed by section 25085
3313.618 of the Revised Code, shall be awarded a diploma under 25086
this section. 25087

~~(L)(1)~~ Any student described by division (A)(1) of this 25088
section who is subject to divisions (A)(1) to (3) of section 25089
3313.618 of the Revised Code may be awarded a diploma without 25090
meeting the ~~requirement~~requirements prescribed by ~~section 3313.618~~ 25091
~~of the Revised Code~~ those divisions provided an individualized 25092
education program specifically exempts the student from meeting 25093
such requirement. This division does not negate the requirement 25094
for a student to take the assessments prescribed by section 25095
3301.0710 or under division (B) of section 3301.0712 of the 25096
Revised Code, or alternate assessments required by division (C)(1) 25097
of section 3301.0711 of the Revised Code, for the purpose of 25098
assessing student progress as required by federal law. 25099

(2) Any student described by division (A)(1) of this section 25100
who is subject to division (B) of section 3313.618 of the Revised 25101
Code may be awarded a diploma without meeting the requirement 25102
prescribed by division (B)(1) of that section provided the 25103
student's individualized education program specifically exempts 25104
the student from meeting that requirement and either division 25105
(L)(2)(a) or (b) of this section applies to the student, as 25106
follows: 25107

(a)(i) The student took an alternate assessment in 25108
mathematics and English language arts administered to the student 25109
in accordance with division (C)(1) of section 3301.0711 of the 25110
Revised Code and failed to attain a score established by the state 25111

<u>board on one or both assessments.</u>	25112
<u>(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the established score and the student received that support.</u>	25113 25114 25115
<u>(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.</u>	25116 25117 25118
<u>(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.</u>	25119 25120 25121 25122
<u>(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.</u>	25123 25124 25125
<u>(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.</u>	25126 25127 25128
Sec. 3313.618. (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:	25129 25130 25131 25132 25133 25134 25135 25136
(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;	25137 25138 25139 25140
(2) Attain a score specified under division (B)(5)(c) of	25141

section 3301.0712 of the Revised Code on the end-of-course 25142
examinations prescribed under division (B) of section 3301.0712 of 25143
the Revised Code. 25144

(3) Attain a score that demonstrates workforce readiness and 25145
employability on a nationally recognized job skills assessment 25146
selected by the state board of education under division (G) of 25147
section 3301.0712 of the Revised Code and obtain either an 25148
industry-recognized credential or a license issued by a state 25149
agency or board for practice in a vocation that requires an 25150
examination for issuance of that license. 25151

For the purposes of this division, the industry-recognized 25152
credentials and licenses shall be as approved under section 25153
3313.6113 of the Revised Code. 25154

A student may choose to qualify for a high school diploma by 25155
satisfying any of the separate requirements prescribed by 25156
divisions (A)(1) to (3) of this section. If the student's school 25157
district or school does not administer the examination prescribed 25158
by one of those divisions that the student chooses to take to 25159
satisfy the requirements of this section, the school district or 25160
school may require that student to arrange for the applicable 25161
scores to be sent directly to the district or school by the 25162
company or organization that administers the examination. 25163

(B) In addition to the curriculum requirements specified by 25164
the district board or school governing authority, each student 25165
entering ninth grade for the first time on or after July 1, 2019, 25166
shall satisfy the following conditions in order to qualify for a 25167
high school diploma: 25168

(1) Attain Except as otherwise provided in division (D) of 25169
this section, attain a competency score as determined under 25170
division (B)(10) of section 3301.0712 of the Revised Code on each 25171
of the Algebra I and English language arts II end-of-course 25172

examinations prescribed under division (B)(2) of section 3301.0712 25173
of the Revised Code. 25174

School districts and chartered nonpublic schools shall offer 25175
remedial support to any student who fails to attain a competency 25176
score on one or both of the Algebra I and English language arts II 25177
end-of-course examinations. 25178

Following the first administration of the exam, if a student 25179
fails to attain a competency score on one or both of the Algebra I 25180
and English language arts II end-of-course examinations that 25181
student must retake the respective examination at least once. 25182

If a student fails to attain a competency score on a retake 25183
examination, the student may demonstrate competency in the failed 25184
subject area through one of the following options: 25185

(a) Earn course credit taken through the college credit plus 25186
program established under Chapter 3365. of the Revised Code in the 25187
failed subject area; 25188

(b) Complete two of the following options, one of which must 25189
be foundational: 25190

(i) Foundational options to demonstrate competency, which 25191
include earning a cumulative score of proficient or higher on 25192
three or more state technical assessments aligned with section 25193
3313.903 of the Revised Code in a single career pathway, obtaining 25194
an industry-recognized credential, or group of credentials, 25195
approved under section 3313.6113 of the Revised Code that is at 25196
least equal to the total number of points established under that 25197
section to qualify for a high school diploma, obtaining a license 25198
approved under section 3313.6113 of the Revised Code that is 25199
issued by a state agency or board for practice in a vocation that 25200
requires an examination for issuance of that license, completing a 25201
pre-apprenticeship ~~or~~ aligned with options established under 25202
section 3313.904 of the Revised Code in the student's chosen 25203

career field, completing an apprenticeship registered with the 25204
apprenticeship council established under section 4139.02 of the 25205
Revised Code in the student's chosen career field, or providing 25206
evidence of acceptance into an apprenticeship program after high 25207
school that is restricted to participants eighteen years of age or 25208
older; 25209

(ii) Supporting options to demonstrate competency, which 25210
include completing two hundred fifty hours of a work-based 25211
learning experience with evidence of positive evaluations, 25212
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 25213
of the Revised Code, or attaining a workforce readiness score, as 25214
determined by the department of education, on the nationally 25215
recognized job skills assessment selected by the state board under 25216
division (G) of section 3301.0712 of the Revised Code. 25217

(c) Provide evidence that the student has enlisted in a 25218
branch of the armed services of the United States as defined in 25219
section 5910.01 of the Revised Code. 25220

(d) Be remediation-free, in accordance with standards adopted 25221
under division (F) of section 3345.061 of the Revised Code, in the 25222
failed subject area on a nationally standardized assessment 25223
prescribed under division (B)(1) of section 3301.0712 of the 25224
Revised Code. For English language arts II, a student must be 25225
remediation-free in the subjects of English and reading on the 25226
nationally standardized assessment. 25227

~~For~~ Subject to division (L)(2) of section 3313.61 of the 25228
Revised Code, for any students receiving special education and 25229
related services under Chapter 3323. of the Revised Code, the 25230
individualized education program developed for the student under 25231
that chapter shall specify the manner in which the student will 25232
participate in the assessments administered under this division or 25233
an alternate assessment in accordance with division (C)(1) of 25234
section 3301.0711 of the Revised Code. 25235

(2) Earn at least two of the state diploma seals prescribed	25236
under division (A) of section 3313.6114 of the Revised Code, at	25237
least one of which shall be any of the following:	25238
(a) The state seal of biliteracy established under section	25239
3313.6111 of the Revised Code;	25240
(b) The OhioMeansJobs-readiness seal established under	25241
section 3313.6112 of the Revised Code;	25242
(c) One of the state diploma seals established under	25243
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.	25244
(C) <u>A student who transfers into an Ohio public or chartered</u>	25245
<u>nonpublic high school from another state or enrolls in such a high</u>	25246
<u>school after receiving home instruction or attending a</u>	25247
<u>nonchartered, nontax-supported school in the previous school year</u>	25248
<u>shall meet the requirements of division (B) of this section in</u>	25249
<u>order to qualify for a high school diploma under that division.</u>	25250
<u>However, any such student who transfers or enrolls after the start</u>	25251
<u>of the student's twelfth grade year and fails to attain a</u>	25252
<u>competency score on the Algebra I or English language arts II</u>	25253
<u>end-of-course examination shall not be required to retake the</u>	25254
<u>applicable examination prior to demonstrating competency in the</u>	25255
<u>failed subject area under the options prescribed in divisions</u>	25256
<u>(B)(1)(a) to (d) of this section.</u>	25257
(D) <u>A chartered nonpublic school student subject to division</u>	25258
<u>(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be</u>	25259
<u>considered to have demonstrated competency for the purposes of</u>	25260
<u>division (B)(1) of this section if the student earns a</u>	25261
<u>remediation-free score in the areas of English, mathematics, and</u>	25262
<u>reading, in accordance with standards adopted under division (F)</u>	25263
<u>of section 3345.061 of the Revised Code, on a nationally</u>	25264
<u>standardized assessment prescribed under division (B)(1) of</u>	25265
<u>section 3301.0712 of the Revised Code. No such student shall be</u>	25266

required to take the Algebra I or English language arts II 25267
end-of-course examination under this section. 25268

(E) The state board of education shall not create or require 25269
any additional assessment for the granting of any type of high 25270
school diploma other than as prescribed by this section. Except as 25271
provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 25272
Revised Code, the state board or the superintendent of public 25273
instruction shall not create any endorsement or designation that 25274
may be affiliated with a high school diploma. 25275

Sec. 3313.619. (A) In lieu of the ~~requirement~~ assessment 25276
requirements prescribed by division (A) of section 3313.618 of the 25277
Revised Code or the requirements to demonstrate competency and 25278
earn diploma seals prescribed by division (B) of that section, a 25279
chartered nonpublic school may grant a high school diploma to a 25280
student who attains at least the designated score on an assessment 25281
approved by the department of education under division (B) of this 25282
section and selected by the school's governing authority. 25283

(B) For purposes of division (A) of this section, the 25284
department shall approve assessments that meet the conditions 25285
specified under division (C) of this section and shall designate 25286
passing scores for each of those assessments. 25287

(C) Each assessment approved under division (B) of this 25288
section shall be nationally norm-referenced, have internal 25289
consistency reliability coefficients of at least "0.8," be 25290
standardized, have specific evidence of content, concurrent, or 25291
criterion validity, have evidence of norming studies in the 25292
previous ten years, have a measure of student achievement in core 25293
academic areas, and have high validity evidenced by the alignment 25294
of the assessment with nationally recognized content. 25295

(D) Nothing in this section shall prohibit a chartered 25296
nonpublic school from granting a high school diploma to a student 25297

if the student satisfies the ~~requirement~~ applicable requirements 25298
prescribed by section 3313.618 of the Revised Code. 25299

Sec. 3313.6113. (A) The superintendent of public instruction, 25300
in collaboration with the governor's office of workforce 25301
transformation and representatives of business organizations, 25302
shall establish a committee to develop a list of 25303
industry-recognized credentials and licenses that may be used to 25304
qualify for a high school diploma under ~~division (A)(3)~~ of section 25305
3313.618 of the Revised Code and shall be used for state report 25306
card purposes under section 3302.03 of the Revised Code. The state 25307
superintendent shall appoint the members of the committee not 25308
later than January 1, 2018. 25309

(B) The committee shall do the following: 25310

(1) Establish criteria for acceptable industry-recognized 25311
credentials and licenses aligned with the in-demand jobs list 25312
published by the department of job and family services; 25313

(2) Review the list of industry-recognized credentials and 25314
licenses that was in existence on January 1, 2018, and update the 25315
list as it considers necessary; 25316

(3) Review and update the list of industry-recognized 25317
credentials and licenses at least biennially; 25318

(4) Assign a point value for each industry-recognized 25319
credential and establish the total number of points for 25320
industry-recognized credentials that a student must earn to 25321
qualify for a high school diploma under sections 3313.618 and 25322
3313.6114 of the Revised Code. 25323

(C) For the purposes of calculating the percentage of 25324
students prescribed under divisions (B)(2)(d) and (C)(2)(e) of 25325
section 3302.03 of the Revised Code, the department of education 25326
shall include only those students who earn an industry-recognized 25327

credential, or group of credentials, at least equal to the total 25328
number of points established by the committee under this section 25329
to qualify for a high school diploma. 25330

Sec. 3313.6114. (A) The state board of education shall 25331
establish a system of state diploma seals for the purposes of 25332
allowing a student to qualify for graduation under section 25333
3313.618 of the Revised Code. State diploma seals may be attached 25334
or affixed to the high school diploma of a student enrolled in a 25335
public or chartered nonpublic school. The system of state diploma 25336
seals shall consist of all of the following: 25337

(1) The state seal of biliteracy established under section 25338
3313.6111 of the Revised Code; 25339

(2) The OhioMeansJobs-readiness seal established under 25340
section 3313.6112 of the Revised Code; 25341

(3) The state diploma seals prescribed under division (C) of 25342
this section. 25343

(B) A school district, community school established under 25344
Chapter 3314. of the Revised Code, STEM school established under 25345
Chapter 3326. of the Revised Code, college-preparatory boarding 25346
school established under Chapter 3328. of the Revised Code, or 25347
chartered nonpublic school shall attach or affix the state seals 25348
prescribed under division (C) of this section to the diploma and 25349
transcript of a student enrolled in the district or school who 25350
meets the requirements established under that division. 25351

(C) The state board shall establish all of the following 25352
state diploma seals: 25353

(1) An industry-recognized credential seal. A student shall 25354
meet the requirement for this seal by earning doing either of the 25355
following: 25356

(a) Earning an industry-recognized credential, or group of 25357

<u>credentials, approved under section 3313.6113 of the Revised Code</u>	25358
<u>that is aligned both of the following:</u>	25359
<u>(i) At least equal to the total number of points established</u>	25360
<u>under section 3313.6113 of the Revised Code to qualify for a high</u>	25361
<u>school diploma;</u>	25362
<u>(ii) Aligned to a job that is determined to be in demand in</u>	25363
<u>this state and its regions under section 6301.11 of the Revised</u>	25364
<u>Code.</u>	25365
<u>(b) Obtaining a license approved under section 3313.6113 of</u>	25366
<u>the Revised Code that is issued by a state agency or board for</u>	25367
<u>practice in a vocation that requires an examination for issuance</u>	25368
<u>of that license.</u>	25369
(2) A college-ready seal. A student shall meet the	25370
requirement for this seal by attaining a score that is	25371
remediation-free, in accordance with standards adopted under	25372
division (F) of section 3345.061 of the Revised Code, on a	25373
nationally standardized assessment prescribed under division	25374
(B)(1) of section 3301.0712 of the Revised Code.	25375
(3) A military enlistment seal. A student shall meet the	25376
requirement for this seal by doing either of the following:	25377
(a) Providing evidence that the student has enlisted in a	25378
branch of the armed services of the United States as defined in	25379
section 5910.01 of the Revised Code;	25380
(b) Participating in a junior reserve officer training	25381
program approved by the congress of the United States under title	25382
10 of the United States Code.	25383
(4) A citizenship seal. A student shall meet the requirement	25384
for this seal by doing any of the following:	25385
(a) Demonstrating at least a proficient level of skill as	25386
prescribed under division (B)(5)(a) of section 3301.0712 of the	25387

Revised Code on both the American history and American government 25388
end-of-course examinations prescribed under division (B)(2) of 25389
section 3301.0712 of the Revised Code; 25390

(b) Attaining a score level prescribed under division 25391
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 25392
least the equivalent of a proficient level of skill in appropriate 25393
advanced placement or international baccalaureate examinations in 25394
lieu of the American history and American government end-of-course 25395
examinations; 25396

(c) Attaining In lieu of the American history and American 25397
government end-of-course examinations, attaining a final course 25398
grade that is the equivalent of a "B" or higher in ~~appropriate~~ 25399
either: 25400

(i) An American history course and an American government 25401
course that are offered by the student's high school; 25402

(ii) Appropriate courses taken through the college credit 25403
plus program established under Chapter 3365. of the Revised Code 25404
~~in lieu of the American history and American government~~ 25405
~~end-of-course examinations.~~ 25406

(d) In the case of a student who takes an alternate 25407
assessment in accordance with division (C)(1) of section 3301.0711 25408
of the Revised Code, attaining a score established by the state 25409
board on the alternate assessment in social studies; 25410

(e) In the case of a student who transfers into an Ohio 25411
public or chartered nonpublic high school from another state or 25412
who enrolls in an Ohio public or chartered nonpublic high school 25413
after receiving home instruction or attending a nonchartered, 25414
nontax-supported school in the previous school year, attaining a 25415
final course grade that is the equivalent of a "B" or higher in 25416
courses that correspond with the American history and American 25417
government end-of-course examinations and that the student 25418

completed in the state from which the student transferred or 25419
completed while receiving home instruction or attending a 25420
nonchartered, nontax-supported school. Division (C)(4)(e) of this 25421
section does not apply to any such student with respect to an 25422
American history or American government course for which an 25423
end-of-course examination is associated that the student takes 25424
after enrolling in the high school. 25425

(5) A science seal. A student shall meet the requirement for 25426
this seal by doing any of the following: 25427

(a) Demonstrating at least a proficient level of skill as 25428
prescribed under division (B)(5)(a) of section 3301.0712 of the 25429
Revised Code on the science end-of-course examination prescribed 25430
under division (B)(2) of section 3301.0712 of the Revised Code; 25431

(b) Attaining a score level prescribed under division 25432
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 25433
least the equivalent of a proficient level of skill in an 25434
appropriate advanced placement or international baccalaureate 25435
examination in lieu of the science end-of-course examination; 25436

(c) ~~Attaining~~ In lieu of the science end-of-course 25437
examination, attaining a final course grade that is the equivalent 25438
of a "B" or higher in ~~an~~ either: 25439

(i) A science course listed in divisions (C)(5)(c)(i) to 25440
(iii) of section 3313.603 of the Revised Code that is offered by 25441
the student's high school; 25442

(ii) An appropriate course taken through the college credit 25443
plus program established under Chapter 3365. of the Revised Code 25444
~~in lieu of the science end-of-course examination.~~ 25445

(d) In the case of a student who takes an alternate 25446
assessment in accordance with division (C)(1) of section 3301.0711 25447
of the Revised Code, attaining a score established by the state 25448
board on the alternate assessment in science; 25449

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination;

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by

the department. 25481

(d) In the case of a student who transfers into an Ohio 25482
public or chartered nonpublic high school from another state or 25483
enrolls in an Ohio public or chartered nonpublic high school after 25484
receiving home instruction or attending a nonchartered, 25485
nontax-supported school in the previous school year, attaining a 25486
final course grade that is the equivalent of a "B" or higher in an 25487
appropriate course, as determined by the district or school, that 25488
the student completed in the state from which the student 25489
transferred or completed while receiving home instruction or 25490
attending a nonchartered, nontax-supported school. 25491

(8) A community service seal. A student shall meet the 25492
requirement for this seal by completing a community service 25493
project that is aligned with guidelines adopted by the student's 25494
district board or school governing authority. 25495

(9) A fine and performing arts seal. A student shall meet the 25496
requirement for this seal by demonstrating skill in the fine or 25497
performing arts according to an evaluation that is aligned with 25498
guidelines adopted by the student's district board or school 25499
governing authority. 25500

(10) A student engagement seal. A student shall meet the 25501
requirement for this seal by participating in extracurricular 25502
activities such as athletics, clubs, or student government to a 25503
meaningful extent, as determined by guidelines adopted by the 25504
student's district board or school governing authority. 25505

~~(D)~~(D)(1) Each district or school shall develop guidelines 25506
for at least one of the state seals prescribed under divisions 25507
(C)(8) to (10) of this section. 25508

(2) For the purposes of determining whether a student who 25509
transfers to a district or school has satisfied the state diploma 25510
seal requirement under division (B)(2) of section 3313.618 of the 25511

Revised Code, each district or school shall recognize a state diploma seal prescribed under divisions (C)(8) to (10) of this section and earned by a student at another district or a different public or chartered nonpublic school regardless of whether the district or school to which the student transfers has developed guidelines under this section for that state seal.

(3) In guidelines developed for a state diploma seal prescribed under divisions (C)(8) to (10) of this section, each district or school shall include a method to give, to the extent feasible, a student who transfers into the district or school a proportional amount of credit for any progress the student was making toward earning that state seal at the school district or different public or chartered nonpublic school from which the student transfers.

(E) Each district or school shall maintain appropriate records to identify students who have met the requirements prescribed under division (C) of this section for earning the state seals established under that division.

(F) The department shall prepare and deliver to each district or school an appropriate mechanism for assigning a state diploma seal established under division (C) of this section.

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the

residential parent and legal custodian of the child. When a child 25542
is in the legal custody of a government agency or a person other 25543
than the child's natural or adoptive parent, "parent" means the 25544
parent with residual parental rights, privileges, and 25545
responsibilities. When a child is in the permanent custody of a 25546
government agency or a person other than the child's natural or 25547
adoptive parent, "parent" means the parent who was divested of 25548
parental rights and responsibilities for the care of the child and 25549
the right to have the child live with the parent and be the legal 25550
custodian of the child and all residual parental rights, 25551
privileges, and responsibilities. 25552

(b) When a child is the subject of a power of attorney 25553
executed under sections 3109.51 to 3109.62 of the Revised Code, 25554
"parent" means the grandparent designated as attorney in fact 25555
under the power of attorney. When a child is the subject of a 25556
caretaker authorization affidavit executed under sections 3109.64 25557
to 3109.73 of the Revised Code, "parent" means the grandparent 25558
that executed the affidavit. 25559

(2) "Legal custody," "permanent custody," and "residual 25560
parental rights, privileges, and responsibilities" have the same 25561
meanings as in section 2151.011 of the Revised Code. 25562

(3) "School district" or "district" means a city, local, or 25563
exempted village school district and excludes any school operated 25564
in an institution maintained by the department of youth services. 25565

(4) Except as used in division (C)(2) of this section, "home" 25566
means a home, institution, foster home, group home, or other 25567
residential facility in this state that receives and cares for 25568
children, to which any of the following applies: 25569

(a) The home is licensed, certified, or approved for such 25570
purpose by the state or is maintained by the department of youth 25571
services. 25572

(b) The home is operated by a person who is licensed,	25573
certified, or approved by the state to operate the home for such	25574
purpose.	25575
(c) The home accepted the child through a placement by a	25576
person licensed, certified, or approved to place a child in such a	25577
home by the state.	25578
(d) The home is a children's home created under section	25579
5153.21 or 5153.36 of the Revised Code.	25580
(5) "Agency" means all of the following:	25581
(a) A public children services agency;	25582
(b) An organization that holds a certificate issued by the	25583
Ohio department of job and family services in accordance with the	25584
requirements of section 5103.03 of the Revised Code and assumes	25585
temporary or permanent custody of children through commitment,	25586
agreement, or surrender, and places children in family homes for	25587
the purpose of adoption;	25588
(c) Comparable agencies of other states or countries that	25589
have complied with applicable requirements of section 2151.39 of	25590
the Revised Code or as applicable, sections 5103.20 to 5103.22 or	25591
5103.23 to 5103.237 of the Revised Code.	25592
(6) A child is placed for adoption if either of the following	25593
occurs:	25594
(a) An agency to which the child has been permanently	25595
committed or surrendered enters into an agreement with a person	25596
pursuant to section 5103.16 of the Revised Code for the care and	25597
adoption of the child.	25598
(b) The child's natural parent places the child pursuant to	25599
section 5103.16 of the Revised Code with a person who will care	25600
for and adopt the child.	25601
(7) "Preschool child with a disability" has the same meaning	25602

as in section 3323.01 of the Revised Code. 25603

(8) "Child," unless otherwise indicated, includes preschool 25604
children with disabilities. 25605

(9) "Active duty" means active duty pursuant to an executive 25606
order of the president of the United States, an act of the 25607
congress of the United States, or section 5919.29 or 5923.21 of 25608
the Revised Code. 25609

(B) Except as otherwise provided in section 3321.01 of the 25610
Revised Code for admittance to kindergarten and first grade, a 25611
child who is at least five but under twenty-two years of age and 25612
any preschool child with a disability shall be admitted to school 25613
as provided in this division. 25614

(1) A child shall be admitted to the schools of the school 25615
district in which the child's parent resides. 25616

(2) Except as provided in division (B) of section 2151.362 25617
and section 3317.30 of the Revised Code, a child who does not 25618
reside in the district where the child's parent resides shall be 25619
admitted to the schools of the district in which the child resides 25620
if any of the following applies: 25621

(a) The child is in the legal or permanent custody of a 25622
government agency or a person other than the child's natural or 25623
adoptive parent. 25624

(b) The child resides in a home. 25625

(c) The child requires special education. 25626

(3) A child who is not entitled under division (B)(2) of this 25627
section to be admitted to the schools of the district where the 25628
child resides and who is residing with a resident of this state 25629
with whom the child has been placed for adoption shall be admitted 25630
to the schools of the district where the child resides unless 25631
either of the following applies: 25632

(a) The placement for adoption has been terminated.	25633
(b) Another school district is required to admit the child under division (B)(1) of this section.	25634 25635
Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	25636 25637 25638 25639 25640
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:	25641 25642 25643 25644 25645 25646
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	25647 25648 25649 25650 25651 25652 25653
(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	25654 25655 25656 25657 25658
(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;	25659 25660 25661 25662
(b) If the parent's residence at the time the court removed	25663

the child from home or placed the child in the legal or permanent 25664
custody of the person or government agency is unknown, tuition 25665
shall be paid by the district in which the child resided at the 25666
time the child was removed from home or placed in legal or 25667
permanent custody, whichever occurred first; 25668

(c) If a school district cannot be established under division 25669
(C)(2)(a) or (b) of this section, tuition shall be paid by the 25670
district determined as required by section 2151.362 of the Revised 25671
Code by the court at the time it vests custody of the child in the 25672
person or government agency; 25673

(d) If at the time the court removed the child from home or 25674
vested legal or permanent custody of the child in the person or 25675
government agency, whichever occurred first, one parent was in a 25676
residential or correctional facility or a juvenile residential 25677
placement and the other parent, if living and not in such a 25678
facility or placement, was not known to reside in this state, 25679
tuition shall be paid by the district determined under division 25680
(D) of section 3313.65 of the Revised Code as the district 25681
required to pay any tuition while the parent was in such facility 25682
or placement; 25683

(e) If the department of education has determined, pursuant 25684
to division (A)(2) of section 2151.362 of the Revised Code, that a 25685
school district other than the one named in the court's initial 25686
order, or in a prior determination of the department, is 25687
responsible to bear the cost of educating the child, the district 25688
so determined shall be responsible for that cost. 25689

(3) If the child is not in the permanent or legal custody of 25690
a government agency or person other than the child's parent and 25691
the child resides in a home, tuition shall be paid by one of the 25692
following: 25693

(a) The school district in which the child's parent resides; 25694

(b) If the child's parent is not a resident of this state, 25695
the home in which the child resides. 25696

(4) Division (C)(4) of this section applies to any child who 25697
is admitted to a school district under division (B)(2) of this 25698
section, resides in a home that is not a foster home, a home 25699
maintained by the department of youth services, a detention 25700
facility established under section 2152.41 of the Revised Code, or 25701
a juvenile facility established under section 2151.65 of the 25702
Revised Code, and receives educational services at the home or 25703
facility in which the child resides pursuant to a contract between 25704
the home or facility and the school district providing those 25705
services. 25706

If a child to whom division (C)(4) of this section applies is 25707
a special education student, a district may choose whether to 25708
receive a tuition payment for that child under division (C)(4) of 25709
this section or to receive a payment for that child under section 25710
3323.14 of the Revised Code. If a district chooses to receive a 25711
payment for that child under section 3323.14 of the Revised Code, 25712
it shall not receive a tuition payment for that child under 25713
division (C)(4) of this section. 25714

If a child to whom division (C)(4) of this section applies is 25715
not a special education student, a district shall receive a 25716
tuition payment for that child under division (C)(4) of this 25717
section. 25718

In the case of a child to which division (C)(4) of this 25719
section applies, the total educational cost to be paid for the 25720
child shall be determined by a formula approved by the department 25721
of education, which formula shall be designed to calculate a per 25722
diem cost for the educational services provided to the child for 25723
each day the child is served and shall reflect the total actual 25724
cost incurred in providing those services. The department shall 25725
certify the total educational cost to be paid for the child to 25726

both the school district providing the educational services and, 25727
if different, the school district that is responsible to pay 25728
tuition for the child. The department shall deduct the certified 25729
amount from the state basic aid funds payable under Chapter 3317. 25730
of the Revised Code to the district responsible to pay tuition and 25731
shall pay that amount to the district providing the educational 25732
services to the child. 25733

(D) Tuition required to be paid under divisions (C)(2) and 25734
(3)(a) of this section shall be computed in accordance with 25735
section 3317.08 of the Revised Code. Tuition required to be paid 25736
under division (C)(3)(b) of this section shall be computed in 25737
accordance with section 3317.081 of the Revised Code. If a home 25738
fails to pay the tuition required by division (C)(3)(b) of this 25739
section, the board of education providing the education may 25740
recover in a civil action the tuition and the expenses incurred in 25741
prosecuting the action, including court costs and reasonable 25742
attorney's fees. If the prosecuting attorney or city director of 25743
law represents the board in such action, costs and reasonable 25744
attorney's fees awarded by the court, based upon the prosecuting 25745
attorney's, director's, or one of their designee's time spent 25746
preparing and presenting the case, shall be deposited in the 25747
county or city general fund. 25748

(E) A board of education may enroll a child free of any 25749
tuition obligation for a period not to exceed sixty days, on the 25750
sworn statement of an adult resident of the district that the 25751
resident has initiated legal proceedings for custody of the child. 25752

(F) In the case of any individual entitled to attend school 25753
under this division, no tuition shall be charged by the school 25754
district of attendance and no other school district shall be 25755
required to pay tuition for the individual's attendance. 25756
Notwithstanding division (B), (C), or (E) of this section: 25757

(1) All persons at least eighteen but under twenty-two years 25758

of age who live apart from their parents, support themselves by 25759
their own labor, and have not successfully completed the high 25760
school curriculum or the individualized education program 25761
developed for the person by the high school pursuant to section 25762
3323.08 of the Revised Code, are entitled to attend school in the 25763
district in which they reside. 25764

(2) Any child under eighteen years of age who is married is 25765
entitled to attend school in the child's district of residence. 25766

(3) A child is entitled to attend school in the district in 25767
which either of the child's parents is employed if the child has a 25768
medical condition that may require emergency medical attention. 25769
The parent of a child entitled to attend school under division 25770
(F)(3) of this section shall submit to the board of education of 25771
the district in which the parent is employed a statement from the 25772
child's physician certifying that the child's medical condition 25773
may require emergency medical attention. The statement shall be 25774
supported by such other evidence as the board may require. 25775

(4) Any child residing with a person other than the child's 25776
parent is entitled, for a period not to exceed twelve months, to 25777
attend school in the district in which that person resides if the 25778
child's parent files an affidavit with the superintendent of the 25779
district in which the person with whom the child is living resides 25780
stating all of the following: 25781

(a) That the parent is serving outside of the state in the 25782
armed services of the United States; 25783

(b) That the parent intends to reside in the district upon 25784
returning to this state; 25785

(c) The name and address of the person with whom the child is 25786
living while the parent is outside the state. 25787

(5) Any child under the age of twenty-two years who, after 25788
the death of a parent, resides in a school district other than the 25789

district in which the child attended school at the time of the 25790
parent's death is entitled to continue to attend school in the 25791
district in which the child attended school at the time of the 25792
parent's death for the remainder of the school year, subject to 25793
approval of that district board. 25794

(6) A child under the age of twenty-two years who resides 25795
with a parent who is having a new house built in a school district 25796
outside the district where the parent is residing is entitled to 25797
attend school for a period of time in the district where the new 25798
house is being built. In order to be entitled to such attendance, 25799
the parent shall provide the district superintendent with the 25800
following: 25801

(a) A sworn statement explaining the situation, revealing the 25802
location of the house being built, and stating the parent's 25803
intention to reside there upon its completion; 25804

(b) A statement from the builder confirming that a new house 25805
is being built for the parent and that the house is at the 25806
location indicated in the parent's statement. 25807

(7) A child under the age of twenty-two years residing with a 25808
parent who has a contract to purchase a house in a school district 25809
outside the district where the parent is residing and who is 25810
waiting upon the date of closing of the mortgage loan for the 25811
purchase of such house is entitled to attend school for a period 25812
of time in the district where the house is being purchased. In 25813
order to be entitled to such attendance, the parent shall provide 25814
the district superintendent with the following: 25815

(a) A sworn statement explaining the situation, revealing the 25816
location of the house being purchased, and stating the parent's 25817
intent to reside there; 25818

(b) A statement from a real estate broker or bank officer 25819
confirming that the parent has a contract to purchase the house, 25820

that the parent is waiting upon the date of closing of the 25821
mortgage loan, and that the house is at the location indicated in 25822
the parent's statement. 25823

The district superintendent shall establish a period of time 25824
not to exceed ninety days during which the child entitled to 25825
attend school under division (F)(6) or (7) of this section may 25826
attend without tuition obligation. A student attending a school 25827
under division (F)(6) or (7) of this section shall be eligible to 25828
participate in interscholastic athletics under the auspices of 25829
that school, provided the board of education of the school 25830
district where the student's parent resides, by a formal action, 25831
releases the student to participate in interscholastic athletics 25832
at the school where the student is attending, and provided the 25833
student receives any authorization required by a public agency or 25834
private organization of which the school district is a member 25835
exercising authority over interscholastic sports. 25836

(8) A child whose parent is a full-time employee of a city, 25837
local, or exempted village school district, or of an educational 25838
service center, may be admitted to the schools of the district 25839
where the child's parent is employed, or in the case of a child 25840
whose parent is employed by an educational service center, in the 25841
district that serves the location where the parent's job is 25842
primarily located, provided the district board of education 25843
establishes such an admission policy by resolution adopted by a 25844
majority of its members. Any such policy shall take effect on the 25845
first day of the school year and the effective date of any 25846
amendment or repeal may not be prior to the first day of the 25847
subsequent school year. The policy shall be uniformly applied to 25848
all such children and shall provide for the admission of any such 25849
child upon request of the parent. No child may be admitted under 25850
this policy after the first day of classes of any school year. 25851

(9) A child who is with the child's parent under the care of 25852

a shelter for victims of domestic violence, as defined in section 25853
3113.33 of the Revised Code, is entitled to attend school free in 25854
the district in which the child is with the child's parent, and no 25855
other school district shall be required to pay tuition for the 25856
child's attendance in that school district. 25857

The enrollment of a child in a school district under this 25858
division shall not be denied due to a delay in the school 25859
district's receipt of any records required under section 3313.672 25860
of the Revised Code or any other records required for enrollment. 25861
Any days of attendance and any credits earned by a child while 25862
enrolled in a school district under this division shall be 25863
transferred to and accepted by any school district in which the 25864
child subsequently enrolls. The state board of education shall 25865
adopt rules to ensure compliance with this division. 25866

(10) Any child under the age of twenty-two years whose parent 25867
has moved out of the school district after the commencement of 25868
classes in the child's senior year of high school is entitled, 25869
subject to the approval of that district board, to attend school 25870
in the district in which the child attended school at the time of 25871
the parental move for the remainder of the school year and for one 25872
additional semester or equivalent term. A district board may also 25873
adopt a policy specifying extenuating circumstances under which a 25874
student may continue to attend school under division (F)(10) of 25875
this section for an additional period of time in order to 25876
successfully complete the high school curriculum for the 25877
individualized education program developed for the student by the 25878
high school pursuant to section 3323.08 of the Revised Code. 25879

(11) As used in this division, "grandparent" means a parent 25880
of a parent of a child. A child under the age of twenty-two years 25881
who is in the custody of the child's parent, resides with a 25882
grandparent, and does not require special education is entitled to 25883
attend the schools of the district in which the child's 25884

grandparent resides, provided that, prior to such attendance in 25885
any school year, the board of education of the school district in 25886
which the child's grandparent resides and the board of education 25887
of the school district in which the child's parent resides enter 25888
into a written agreement specifying that good cause exists for 25889
such attendance, describing the nature of this good cause, and 25890
consenting to such attendance. 25891

In lieu of a consent form signed by a parent, a board of 25892
education may request the grandparent of a child attending school 25893
in the district in which the grandparent resides pursuant to 25894
division (F)(11) of this section to complete any consent form 25895
required by the district, including any authorization required by 25896
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 25897
Code. Upon request, the grandparent shall complete any consent 25898
form required by the district. A school district shall not incur 25899
any liability solely because of its receipt of a consent form from 25900
a grandparent in lieu of a parent. 25901

Division (F)(11) of this section does not create, and shall 25902
not be construed as creating, a new cause of action or substantive 25903
legal right against a school district, a member of a board of 25904
education, or an employee of a school district. This section does 25905
not affect, and shall not be construed as affecting, any 25906
immunities from defenses to tort liability created or recognized 25907
by Chapter 2744. of the Revised Code for a school district, 25908
member, or employee. 25909

(12) A child under the age of twenty-two years is entitled to 25910
attend school in a school district other than the district in 25911
which the child is entitled to attend school under division (B), 25912
(C), or (E) of this section provided that, prior to such 25913
attendance in any school year, both of the following occur: 25914

(a) The superintendent of the district in which the child is 25915
entitled to attend school under division (B), (C), or (E) of this 25916

section contacts the superintendent of another district for 25917
purposes of this division; 25918

(b) The superintendents of both districts enter into a 25919
written agreement that consents to the attendance and specifies 25920
that the purpose of such attendance is to protect the student's 25921
physical or mental well-being or to deal with other extenuating 25922
circumstances deemed appropriate by the superintendents. 25923

While an agreement is in effect under this division for a 25924
student who is not receiving special education under Chapter 3323. 25925
of the Revised Code and notwithstanding Chapter 3327. of the 25926
Revised Code, the board of education of neither school district 25927
involved in the agreement is required to provide transportation 25928
for the student to and from the school where the student attends. 25929

A student attending a school of a district pursuant to this 25930
division shall be allowed to participate in all student 25931
activities, including interscholastic athletics, at the school 25932
where the student is attending on the same basis as any student 25933
who has always attended the schools of that district while of 25934
compulsory school age. 25935

(13) All school districts shall comply with the 25936
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 25937
seq., for the education of homeless children. Each city, local, 25938
and exempted village school district shall comply with the 25939
requirements of that act governing the provision of a free, 25940
appropriate public education, including public preschool, to each 25941
homeless child. 25942

When a child loses permanent housing and becomes a homeless 25943
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 25944
such a homeless person changes temporary living arrangements, the 25945
child's parent or guardian shall have the option of enrolling the 25946
child in either of the following: 25947

(a) The child's school of origin, as defined in 42 U.S.C.A. 25948
11432(g)(3)(C); 25949

(b) The school that is operated by the school district in 25950
which the shelter where the child currently resides is located and 25951
that serves the geographic area in which the shelter is located. 25952

(14) A child under the age of twenty-two years who resides 25953
with a person other than the child's parent is entitled to attend 25954
school in the school district in which that person resides if both 25955
of the following apply: 25956

(a) That person has been appointed, through a military power 25957
of attorney executed under section 574(a) of the "National Defense 25958
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 25959
U.S.C. 1044b, or through a comparable document necessary to 25960
complete a family care plan, as the parent's agent for the care, 25961
custody, and control of the child while the parent is on active 25962
duty as a member of the national guard or a reserve unit of the 25963
armed forces of the United States or because the parent is a 25964
member of the armed forces of the United States and is on a duty 25965
assignment away from the parent's residence. 25966

(b) The military power of attorney or comparable document 25967
includes at least the authority to enroll the child in school. 25968

The entitlement to attend school in the district in which the 25969
parent's agent under the military power of attorney or comparable 25970
document resides applies until the end of the school year in which 25971
the military power of attorney or comparable document expires. 25972

(G) A board of education, after approving admission, may 25973
waive tuition for students who will temporarily reside in the 25974
district and who are either of the following: 25975

(1) Residents or domiciliaries of a foreign nation who 25976
request admission as foreign exchange students; 25977

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division ~~(H)~~ (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 26042
or section 3313.65 of the Revised Code shall have an amount 26043
credited under division (C) of section 3317.023 of the Revised 26044
Code equal to its own tuition rate for the same period of 26045
attendance. If the tuition rate credited to the district of 26046
attendance exceeds the rate deducted from the district required to 26047
pay tuition, the department of education shall pay the district of 26048
attendance the difference from amounts deducted from all 26049
districts' payments under division (C) of section 3317.023 of the 26050
Revised Code but not credited to other school districts under such 26051
division and from appropriations made for such purpose. The 26052
treasurer of each school district shall, by the fifteenth day of 26053
January and July, furnish the superintendent of public instruction 26054
a report of the names of each child who attended the district's 26055
schools under divisions (C)(2) and (3) of this section or section 26056
3313.65 of the Revised Code during the preceding six calendar 26057
months, the duration of the attendance of those children, the 26058
school district responsible for tuition on behalf of the child, 26059
and any other information that the superintendent requires. 26060

Upon receipt of the report the superintendent, pursuant to 26061
division (C) of section 3317.023 of the Revised Code, shall deduct 26062
each district's tuition obligations under divisions (C)(2) and (3) 26063
of this section or section 3313.65 of the Revised Code and pay to 26064
the district of attendance that amount plus any amount required to 26065
be paid by the state. 26066

(K) In the event of a disagreement, the superintendent of 26067
public instruction shall determine the school district in which 26068
the parent resides. 26069

(L) Nothing in this section requires or authorizes, or shall 26070
be construed to require or authorize, the admission to a public 26071
school in this state of a pupil who has been permanently excluded 26072
from public school attendance by the superintendent of public 26073

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 26074
26075

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 26076
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Sec. 3313.713. (A) As used in this section: 26091

(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription. 26092
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(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 26096
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(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 26098
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(B) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall adopt a policy on the authority of its employees, when acting in situations other 26100
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than those governed by sections 2305.23, 2305.231, 3313.712, 26104
3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised 26105
Code, to administer drugs prescribed to students enrolled in the 26106
schools of the district or the chartered nonpublic school. The 26107
policy shall provide either that: 26108

(1) Except as otherwise required by federal law, no person 26109
employed by the board or governing authority shall, in the course 26110
of such employment, administer any drug prescribed to any student 26111
enrolled in the schools of the district or the chartered nonpublic 26112
school. 26113

(2) Designated persons employed by the board or governing 26114
authority are authorized to administer to a student a drug 26115
prescribed for the student. Effective July 1, 2011, only employees 26116
of the board or governing authority who are licensed health 26117
professionals, or who have completed a drug administration 26118
training program conducted by a licensed health professional and 26119
considered appropriate by the board or governing authority, may 26120
administer to a student a drug prescribed for the student. Except 26121
as otherwise provided by federal law, the board's or governing 26122
authority's policy may provide that certain drugs or types of 26123
drugs shall not be administered or that no employee shall use 26124
certain procedures, such as injection, to administer a drug to a 26125
student. 26126

(C) No drug prescribed for a student shall be administered 26127
pursuant to federal law or a policy adopted under division (B) of 26128
this section until the following occur: 26129

(1) The board or governing authority, or a person designated 26130
by the board or governing authority, receives a written request, 26131
signed by the parent, guardian, or other person having care or 26132
charge of the student, that the drug be administered to the 26133
student. 26134

(2) The board <u>or governing authority</u> , or a person designated	26135
by the board <u>or governing authority</u> , receives a statement, signed	26136
by the prescriber, that includes all of the following information:	26137
(a) The name and address of the student;	26138
(b) The school and class in which the student is enrolled;	26139
(c) The name of the drug and the dosage to be administered;	26140
(d) The times or intervals at which each dosage of the drug	26141
is to be administered;	26142
(e) The date the administration of the drug is to begin;	26143
(f) The date the administration of the drug is to cease;	26144
(g) Any severe adverse reactions that should be reported to	26145
the prescriber and one or more phone numbers at which the	26146
prescriber can be reached in an emergency;	26147
(h) Special instructions for administration of the drug,	26148
including sterile conditions and storage.	26149
(3) The parent, guardian, or other person having care or	26150
charge of the student agrees to submit a revised statement signed	26151
by the prescriber to the board <u>or governing authority</u> or a person	26152
designated by the board <u>or governing authority</u> if any of the	26153
information provided by the prescriber pursuant to division (C)(2)	26154
of this section changes.	26155
(4) The person authorized by the board <u>or governing authority</u>	26156
to administer the drug receives a copy of the statement required	26157
by division (C)(2) or (3) of this section.	26158
(5) The drug is received by the person authorized to	26159
administer the drug to the student for whom the drug is prescribed	26160
in the container in which it was dispensed by the prescriber or a	26161
licensed pharmacist.	26162
(6) Any other procedures required by the board <u>or governing</u>	26163

authority are followed. 26164

(D) If a drug is administered to a student, the board of 26165
education or governing authority of the chartered nonpublic school 26166
shall acquire and retain copies of the written requests required 26167
by division (C)(1) and the statements required by divisions (C)(2) 26168
and (3) of this section and shall ensure that by the next school 26169
day following the receipt of any such statement a copy is given to 26170
the person authorized to administer drugs to the student for whom 26171
the statement has been received. The board or governing authority, 26172
or a person designated by the board or governing authority, shall 26173
establish a location in each school building for the storage of 26174
drugs to be administered under this section and federal law. All 26175
such drugs shall be stored in that location in a locked storage 26176
place, except that drugs that require refrigeration may be kept in 26177
a refrigerator in a place not commonly used by students. 26178

(E) No person who has been authorized by a board of education 26179
or governing authority of a chartered nonpublic school to 26180
administer a drug and has a copy of the most recent statement 26181
required by division (C)(2) or (3) of this section given to the 26182
person in accordance with division (D) of this section prior to 26183
administering the drug is liable in civil damages for 26184
administering or failing to administer the drug, unless such 26185
person acts in a manner that constitutes gross negligence or 26186
wanton or reckless misconduct. 26187

(F) A board of education or governing authority of a 26188
chartered nonpublic school may designate a person or persons to 26189
perform any function or functions in connection with a drug policy 26190
adopted under this section either by name or by position, 26191
training, qualifications, or similar distinguishing factors. 26192

(G) A policy adopted by a board of education or governing 26193
authority of a chartered nonpublic school pursuant to this section 26194
may be changed, modified, or revised by action of the board or the 26195

governing authority. 26196

(H) Nothing in this section shall be construed to require a 26197
person employed by a board of education or governing authority of 26198
a chartered nonpublic school to administer a drug to a student 26199
unless the board's or governing authority's policy adopted in 26200
compliance with this section establishes such a requirement. A 26201
board or governing authority shall not require an employee to 26202
administer a drug to a student if the employee objects, on the 26203
basis of religious convictions, to administering the drug. 26204

Nothing in this section affects the application of section 26205
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 26206
3313.7115 of the Revised Code to the administration of emergency 26207
care or treatment to a student. 26208

Nothing in this section affects the ability of a public or 26209
nonpublic school to participate in a school-based fluoride mouth 26210
rinse program established by the director of health pursuant to 26211
section 3701.136 of the Revised Code. Nothing in this section 26212
affects the ability of a person who is employed by, or who 26213
volunteers for, a school that participates in such a program to 26214
administer fluoride mouth rinse to a student in accordance with 26215
section 3701.136 of the Revised Code and any rules adopted by the 26216
director under that section. 26217

(I) Nothing in this section shall be construed to require a 26218
school district or chartered nonpublic school to obtain written 26219
authorization or instructions from a health care provider to apply 26220
nonprescription topical ointments designed to prevent sunburn. 26221
Furthermore, nothing in this section shall be construed to 26222
prohibit a student to possess and self-apply nonprescription 26223
topical ointment designed to prevent sunburn while on school 26224
property or at a school-sponsored event without written 26225
authorization or instructions from a healthcare provider. The 26226
policy adopted by a school district or chartered nonpublic school 26227

pursuant to this section shall not require written authorization 26228
from a health care provider, but may require parental 26229
authorization, for the possession or application of such 26230
sunscreen. A designated person employed by the board of education 26231
of a school district or governing authority of a chartered 26232
nonpublic school shall apply sunscreen to a student in accordance 26233
with the school district's or governing authority's policy upon 26234
request. 26235

Sec. 3313.902. (A) As used in this section: 26236

(1) "Approved industry credential or certificate" means a 26237
credential or certificate that is approved by the chancellor of 26238
higher education. 26239

(2) "Approved institution" means an eligible institution that 26240
has been approved to participate in the adult diploma pilot 26241
program under this section. 26242

(3) "Approved program of study" means a program of study 26243
offered by an approved institution that satisfies the requirements 26244
of division (B) of this section. 26245

(4) An eligible student's "career pathway training program 26246
amount" means the following: 26247

(a) If the student is enrolled in a tier one career pathway 26248
training program, \$4,800; 26249

(b) If the student is enrolled in a tier two career pathway 26250
training program, \$3,200; 26251

(c) If the student is enrolled in a tier three career pathway 26252
training program, \$1,600. 26253

(5) "Eligible institution" means any of the following: 26254

(a) A community college established under Chapter 3354. of 26255
the Revised Code; 26256

(b) A technical college established under Chapter 3357. of the Revised Code;	26257 26258
(c) A state community college established under Chapter 3358. of the Revised Code;	26259 26260
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	26261 26262
(6) "Eligible student" means an individual who is at least twenty-two <u>twenty</u> years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	26263 26264 26265 26266
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	26267 26268 26269 26270
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	26271 26272 26273 26274
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	26275 26276 26277
(10) An eligible student's "work readiness training amount" means the following:	26278 26279
(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.	26280 26281 26282 26283
(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules	26284 26285 26286

adopted under division (E) of this section, \$750. 26287

(B) The adult diploma pilot program is hereby established to 26288
permit an eligible institution to obtain approval from the 26289
superintendent of public instruction and the chancellor to develop 26290
and offer a program of study that allows an eligible student to 26291
obtain a high school diploma. A program shall be eligible for this 26292
approval if it satisfies all of the following requirements: 26293

(1) The program allows an eligible student to complete the 26294
requirements for obtaining a high school diploma that are 26295
specified in rules adopted by the superintendent under division 26296
(E) of this section while also completing requirements for an 26297
approved industry credential or certificate. 26298

(2) The program includes career advising and outreach. 26299

(3) The program includes opportunities for students to 26300
receive a competency-based education. 26301

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 26302
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 26303
board of education shall grant a high school diploma to each 26304
eligible student who enrolls in an approved program of study at an 26305
approved institution and completes the requirements for obtaining 26306
a high school diploma that are specified in rules adopted by the 26307
superintendent under division (E) of this section. 26308

(D)(1) The department shall calculate the following amount 26309
for each eligible student enrolled in each approved institution's 26310
approved program of study: 26311

(The student's career pathway training program amount + the 26312
student's work readiness training amount) X 1.2 26313

(2) Except as provided in division (D)(4) of this section, 26314
the department shall pay the amount calculated for an eligible 26315
student under division (D)(1) of this section to the approved 26316
institution in which the student is enrolled in the following 26317

manner: 26318

(a) Twenty-five per cent of the amount calculated under 26319
division (D)(1) of this section shall be paid to the approved 26320
institution after the student successfully completes the first 26321
third of the approved program of study, as determined by the 26322
department; 26323

(b) Twenty-five per cent of the amount calculated under 26324
division (D)(1) of this section shall be paid to the approved 26325
institution after the student successfully completes the second 26326
third of the approved program of study, as determined by the 26327
department; 26328

(c) Fifty per cent of the amount calculated under division 26329
(D)(1) of this section shall be paid to the approved institution 26330
after the student successfully completes the final third of the 26331
approved program of study, as determined by the department. 26332

(3) Of the amount paid to an approved institution under 26333
division (D)(2) of this section, the institution may use the 26334
amount that is in addition to the student's career pathway 26335
training amount and the student's work readiness training amount 26336
for the associated services of the approved program of study. 26337
These services include counseling, advising, assessment, and other 26338
services as determined or required by the department. 26339

(4) If the superintendent and the chancellor determine that 26340
is it appropriate for an entity other than the department to make 26341
full or partial payments for an eligible student under division 26342
(D)(2) of this section, that entity shall make those payments and 26343
the department shall not make those payments. 26344

(E) The superintendent, in consultation with the chancellor, 26345
shall adopt rules for the implementation of the adult diploma 26346
pilot program, including all of the following: 26347

(1) The requirements for applying for program approval; 26348

(2) The requirements for obtaining a high school diploma 26349
through the program, including the requirement to obtain a passing 26350
score on an assessment that is appropriate for the career pathway 26351
training program that is being completed by the eligible student, 26352
and the date on which these requirements take effect; 26353

(3) The assessment or assessments that may be used to 26354
complete the assessment requirement for each career pathway 26355
training program under division (E)(2) of this section and the 26356
score that must be obtained on each assessment in order to pass 26357
the assessment; 26358

(4) Guidelines regarding the funding of the program under 26359
division (D) of this section, including a method of funding for 26360
students who transfer from one approved institution to another 26361
approved institution prior to completing an approved program of 26362
study; 26363

(5) Circumstances under which an eligible student may be 26364
charged for tuition, supplies, or associated fees while enrolled 26365
in an approved institution's approved program of study; 26366

(6) A requirement that an eligible student may not be charged 26367
for tuition, supplies, or associated fees while enrolled in an 26368
approved institution's approved program of study except in the 26369
circumstances described under division (E)(5) of this section; 26370

(7) The payment of federal funds that are to be used by 26371
approved programs of study at approved institutions. 26372

Sec. 3313.905. (A) Southern state community college shall 26373
establish and maintain, for a period of five years, the Ohio 26374
code-scholar pilot program to address technical workforce needs. 26375

(B) Not later than July 31, 2021, southern state community 26376
college shall appoint a program coordinator who shall be 26377
responsible for all of the following, as well as any other 26378

<u>responsibilities as determined by the southern state community</u>	26379
<u>college board of trustees:</u>	26380
<u>(1) Form a coalition and act as the liaison between southern</u>	26381
<u>state community college and the coalition to develop the pilot</u>	26382
<u>program.</u>	26383
<u>The coalition shall include members from the following:</u>	26384
<u>(a) The department of education;</u>	26385
<u>(b) Educators in grades kindergarten through twelve;</u>	26386
<u>(c) Career technical education staff;</u>	26387
<u>(d) Educational service center staff;</u>	26388
<u>(e) Representatives of post-secondary institutions in the</u>	26389
<u>areas in which the pilot program is operating;</u>	26390
<u>(f) Federally and state-funded research organizations, as</u>	26391
<u>determined by the southern state community college board of</u>	26392
<u>trustees and the program coordinator;</u>	26393
<u>(g) Local businesses in the areas in which the pilot program</u>	26394
<u>is operating, as determined by the southern state community</u>	26395
<u>college board of trustees and the program coordinator.</u>	26396
<u>(2) In collaboration with the coalition, as described in</u>	26397
<u>division (B)(1) of this section, develop a curriculum for grades</u>	26398
<u>seven through twelve to be utilized by the pilot program that</u>	26399
<u>focuses on industry standards in the field of computer sciences,</u>	26400
<u>including coding, and is divided as follows:</u>	26401
<u>(a) For grades seven and eight, a focus on career</u>	26402
<u>exploration, career readiness initiatives, and an introduction to</u>	26403
<u>coding and computer sciences;</u>	26404
<u>(b) For grades nine through twelve, a focus on intermediate</u>	26405
<u>and advanced coding, computer sciences, and the potential for</u>	26406
<u>industry level credentialing.</u>	26407

<u>(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;</u>	26408
	26409
	26410
<u>(4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties:</u>	26411
	26412
	26413
<u>(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties;</u>	26414
	26415
<u>(b) Brown county;</u>	26416
<u>(c) Pike county.</u>	26417
<u>(5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;</u>	26418
	26419
	26420
<u>(6) Determine the manner in which to incorporate the college credit plus program as established under Chapter 3365. of the Revised Code within the pilot program;</u>	26421
	26422
	26423
<u>(7) In collaboration with the designated department, advisor, and instructor, as appointed by southern state community college, develop a system for the articulation of credits earned under the pilot program and align them into a for-credit program at southern state community college;</u>	26424
	26425
	26426
	26427
	26428
<u>(8) Act as fiscal operator of the pilot program.</u>	26429
<u>(C) Upon completion of the pilot program, southern state community college, in collaboration with the program coordinator, shall submit a full report and any legislative recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding the outcomes of the pilot program.</u>	26430
	26431
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	26434
Sec. 3313.979. Each scholarship to be used for payments to a registered private school is payable to the parents of the student	26435
	26436

entitled to the scholarship. State core foundation funding shall 26437
be computed and distributed to pay scholarships under this 26438
section. Each scholarship to be used for payments to a public 26439
school in an adjacent school district is payable to the school 26440
district of attendance by the superintendent of public 26441
instruction. Each grant to be used for payments to an approved 26442
tutorial assistance provider is payable to the approved tutorial 26443
assistance provider. 26444

(A)(1) By the fifteenth day of each month of the school year 26445
that any scholarship students are enrolled in a registered private 26446
school, the chief administrator of that school shall notify the 26447
state superintendent of: 26448

(a) The number of scholarship students who were reported to 26449
the school district as having been admitted by that private school 26450
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 26451
Code and who were still enrolled in the private school as of the 26452
first day of such month; 26453

(b) The number of scholarship students who were reported to 26454
the school district as having been admitted by another private 26455
school pursuant to division (A)(2)(b) of section 3313.978 of the 26456
Revised Code and since the date of admission have transferred to 26457
the school providing the notification under division (A)(1) of 26458
this section. 26459

(2) From time to time, the state superintendent shall make a 26460
payment to the parent of each student entitled to a scholarship. 26461
Each payment shall include for each student reported under 26462
division (A)(1) of this section a portion of the scholarship 26463
amount specified in divisions (C)(1) and (2) of section 3313.978 26464
of the Revised Code. This amount shall be proportionately reduced 26465
in the case of any such student who is not enrolled in a 26466
registered private school for the entire school year. 26467

(3) The first payment under this division shall be made by 26468
the last day of November and shall equal one-third of the 26469
estimated total amount that will be due to the parent for the 26470
school year pursuant to division (A)(2) of this section. 26471

(B) The state superintendent, on behalf of the parents of a 26472
scholarship student enrolled in a public school in an adjacent 26473
school district pursuant to section 3327.06 of the Revised Code, 26474
shall make the tuition payments required by that section to the 26475
school district admitting the student, except that, 26476
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 26477
Revised Code, the total payments in any school year shall not 26478
exceed the scholarship amount provided in divisions (C)(1) and (2) 26479
of section 3313.978 of the Revised Code. 26480

(C) Whenever an approved provider provides tutorial 26481
assistance to a student, the state superintendent shall pay the 26482
approved provider for such costs upon receipt of a statement 26483
specifying the services provided and the costs of the services, 26484
which statement shall be signed by the provider and verified by 26485
the chief administrator having supervisory control over the 26486
tutoring site. The total payments to any approved provider under 26487
this division for all provider services to any individual student 26488
in any school year shall not exceed the grant amount provided in 26489
division (C)(3) of section 3313.978 of the Revised Code. 26490

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 26491
and division (D) of section 3311.52 of the Revised Code, the 26492
provisions of this section and sections 3313.981 to 3313.983 of 26493
the Revised Code that apply to a city school district do not apply 26494
to a joint vocational or cooperative education school district 26495
unless expressly specified. 26496

(A) As used in this section and sections 3313.981 to 3313.983 26497
of the Revised Code: 26498

(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	26499 26500
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	26501 26502 26503 26504 26505 26506 26507 26508 26509
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	26510 26511 26512 26513
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	26514 26515
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	26516 26517 26518
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	26519 26520 26521
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	26522 26523 26524
(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a	26525 26526 26527 26528 26529

native student and does contain the territory of the city, 26530
exempted village, or local district in which the student enrolls. 26531

~~(6) "Formula amount" has the same meaning as in section 26532
3317.02 of the Revised Code. 26533~~

~~(7)~~ "Poverty line" means the poverty line established by the 26534
director of the United States office of management and budget as 26535
revised by the secretary of health and human services in 26536
accordance with section 673(2) of the "Community Services Block 26537
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 26538

~~(8)~~(7) "IEP" has the same meaning as in section 3323.01 of 26539
the Revised Code. 26540

~~(9)~~(8) "Other district" means a city, exempted village, or 26541
local school district having territory outside of the territory of 26542
a district adopting a resolution under this section. 26543

~~(10)~~(9) "Other district student" means a student entitled 26544
under section 3313.64 or 3313.65 of the Revised Code to attend 26545
school in an other district. 26546

~~(11)~~(10) "Other district joint vocational student" means a 26547
student who is enrolled in any city, exempted village, or local 26548
school district and who also enrolls in a joint vocational school 26549
district that does not contain the territory of the district for 26550
which that student is a native student in accordance with a policy 26551
adopted under section 3313.983 of the Revised Code. 26552

(B)(1) The board of education of each city, local, and 26553
exempted village school district shall adopt a resolution 26554
establishing for the school district one of the following 26555
policies: 26556

(a) A policy that entirely prohibits the enrollment of 26557
students from adjacent districts or other districts, other than 26558
students for whom tuition is paid in accordance with section 26559

3317.08 of the Revised Code; 26560

(b) A policy that permits enrollment of students from all 26561
adjacent districts in accordance with policy statements contained 26562
in the resolution; 26563

(c) A policy that permits enrollment of students from all 26564
other districts in accordance with policy statements contained in 26565
the resolution. 26566

(2) A policy permitting enrollment of students from adjacent 26567
or from other districts, as applicable, shall provide for all of 26568
the following: 26569

(a) Application procedures, including deadlines for 26570
application and for notification of students and the 26571
superintendent of the applicable district whenever an adjacent or 26572
other district student's application is approved. 26573

(b) Procedures for admitting adjacent or other district 26574
applicants free of any tuition obligation to the district's 26575
schools, including, but not limited to: 26576

(i) The establishment of district capacity limits by grade 26577
level, school building, and education program; 26578

(ii) A requirement that all native students wishing to be 26579
enrolled in the district will be enrolled and that any adjacent or 26580
other district students previously enrolled in the district shall 26581
receive preference over first-time applicants; 26582

(iii) Procedures to ensure that an appropriate racial balance 26583
is maintained in the district schools. 26584

(C) Except as provided in section 3313.982 of the Revised 26585
Code, the procedures for admitting adjacent or other district 26586
students, as applicable, shall not include: 26587

(1) Any requirement of academic ability, or any level of 26588
athletic, artistic, or other extracurricular skills; 26589

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a

policy permitting such enrollment, except that: 26621

(a) A district may object to the enrollment of a native 26622
student in an adjacent or other district in order to maintain an 26623
appropriate racial balance. 26624

(b) The board of education of a district receiving funds 26625
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 26626
may adopt a resolution objecting to the enrollment of its native 26627
students in adjacent or other districts if at least ten per cent 26628
of its students are included in the determination of the United 26629
States secretary of education made under section 20 U.S.C.A. 26630
238(a). 26631

(2) If a board objects to enrollment of native students under 26632
this division, any adjacent or other district shall refuse to 26633
enroll such native students unless tuition is paid for the 26634
students in accordance with section 3317.08 of the Revised Code. 26635
An adjacent or other district enrolling such students may not 26636
receive funding for those students in accordance with section 26637
3313.981 of the Revised Code. 26638

(G) The state board of education shall monitor school 26639
districts to ensure compliance with this section and the 26640
districts' policies. The board may adopt rules requiring uniform 26641
application procedures, deadlines for application, notification 26642
procedures, and record-keeping requirements for all school boards 26643
that adopt policies permitting the enrollment of adjacent or other 26644
district students, as applicable. If the state board adopts such 26645
rules, no school board shall adopt a policy that conflicts with 26646
those rules. 26647

(H) A resolution adopted by a board of education under this 26648
section that entirely prohibits the enrollment of students from 26649
adjacent and from other school districts does not abrogate any 26650
agreement entered into under section 3313.841 or 3313.92 of the 26651

Revised Code or any contract entered into under section 3313.90 of 26652
the Revised Code between the board of education adopting the 26653
resolution and the board of education of any adjacent or other 26654
district or prohibit these boards of education from entering into 26655
any such agreement or contract. 26656

(I) Nothing in this section shall be construed to permit or 26657
require the board of education of a city, exempted village, or 26658
local school district to exclude any native student of the 26659
district from enrolling in the district. 26660

Sec. 3313.981. (A) The state board of education shall adopt 26661
rules requiring all of the following: 26662

(1) The board of education of each city, exempted village, 26663
and local school district to annually report to the department of 26664
education all of the following: 26665

(a) The number of adjacent district or other district 26666
students in grades kindergarten through twelve, as applicable, the 26667
number of adjacent district or other district students who are 26668
preschool children with disabilities, as applicable, and the 26669
number of adjacent district or other district joint vocational 26670
students, as applicable, enrolled in the district, in accordance 26671
with a policy adopted under division (B) of section 3313.98 of the 26672
Revised Code; 26673

(b) The number of native students in grades kindergarten 26674
through twelve enrolled in adjacent or other districts and the 26675
number of native students who are preschool children with 26676
disabilities enrolled in adjacent or other districts, in 26677
accordance with a policy adopted under division (B) of section 26678
3313.98 of the Revised Code; 26679

(c) Each adjacent district or other district student's or 26680
adjacent district or other district joint vocational student's 26681

date of enrollment in the district;	26682
(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;	26683 26684 26685 26686
(e) Each native student's date of enrollment in an adjacent or other district.	26687 26688
(2) The board of education of each joint vocational school district to annually report to the department all of the following:	26689 26690 26691
(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;	26692 26693
(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in section 3317.014 of the Revised Code;	26694 26695 26696 26697
(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.	26698 26699 26700
(3) Prior to the end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students who are in grades kindergarten through twelve, adjacent district or other district students who are preschool children with disabilities, or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to report to the department of education each adjacent or other district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the	26701 26702 26703 26704 26705 26706 26707 26708 26709 26710 26711 26712

Revised Code. 26713

The rules shall provide for the method of counting students 26714
who are enrolled for part of a school year in an adjacent or other 26715
district or as an adjacent district or other district joint 26716
vocational student. 26717

(B) From the payments made to a city, exempted village, or 26718
local school district under Chapter 3317. of the Revised Code and, 26719
if necessary, from the payments made to the district under 26720
sections 321.24 and 323.156 of the Revised Code, the department of 26721
education shall annually subtract ~~all of the following:~~ 26722

~~(1) An amount equal to the number of the district's native 26723
students in grades kindergarten through twelve reported under 26724
division (A)(1) of this section who are enrolled in adjacent or 26725
other school districts pursuant to policies adopted by such 26726
districts under division (B) of section 3313.98 of the Revised 26727
Code multiplied by the formula amount;~~ 26728

~~(2) The excess costs computed in accordance with division (E) 26729
of this section for any such native students in grades 26730
kindergarten through twelve receiving special education and 26731
related services in adjacent or other school districts or as an 26732
adjacent district or other district joint vocational student;~~ 26733

~~(3) For each of the district's native students reported under 26734
division (A)(1)(d) or (2)(b) of this section as enrolled in 26735
career technical education programs or classes described in 26736
section 3317.014 of the Revised Code, the per pupil amount 26737
prescribed by that section for the student's respective 26738
career technical category, on a full-time equivalency basis;~~ 26739

~~(4) For, for each native student who is a preschool child 26740
with a disability reported under division (A)(1) of this section 26741
who is enrolled in an adjacent or other district pursuant to 26742
policies adopted by such a district under division (B) of section 26743~~

3313.98 of the Revised Code, \$4,000. 26744

(C) To the payments made to a city, exempted village, or 26745
local school district under Chapter 3317. of the Revised Code, the 26746
department of education shall annually add ~~all of the following:~~ 26747

~~(1) An amount equal to the formula amount multiplied by the 26748
remainder obtained by subtracting the number of adjacent district 26749
or other district joint vocational students from the number of 26750
adjacent district or other district students in grades 26751
kindergarten through twelve enrolled in the district, as reported 26752
under division (A)(1) of this section;~~ 26753

~~(2) The excess costs computed in accordance with division (E) 26754
of this section for any adjacent district or other district 26755
students in grades kindergarten through twelve, except for any 26756
adjacent or other district joint vocational students, receiving 26757
special education and related services in the district;~~ 26758

~~(3) For each of the adjacent or other district students who 26759
are not adjacent district or other district joint vocational 26760
students and are reported under division (A)(1)(d) of this section 26761
as enrolled in career technical education programs or classes 26762
described in section 3317.014 of the Revised Code, the per pupil 26763
amount prescribed by that section for the student's respective 26764
career technical category, on a full time equivalency basis;~~ 26765

~~(4) An amount equal to the number of adjacent district or 26766
other district joint vocational students reported under division 26767
(A)(1) of this section multiplied by an amount equal to twenty per 26768
cent of the formula amount;~~ 26769

~~(5) For, for each adjacent district or other district student 26770
who is a preschool child with a disability reported under division 26771
(A)(1) of this section who is enrolled in the district, \$4,000. 26772~~

(D) ~~To the payments made to a joint vocational school 26773
district under Chapter 3317. of the Revised Code, the department 26774~~

~~of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~ 26775
26776
26777

~~(1) The formula amount;~~ 26778

~~(2) The per pupil amount for each of the students reported pursuant to division (A)(2)(b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career technical category, on a full time equivalency basis.~~ 26779
26780
26781
26782

~~(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:~~ 26783
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26785
26786
26787
26788

~~(a) Subtract the formula amount from the actual costs to educate the student;~~ 26789
26790

~~(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.~~ 26791
26792
26793
26794

~~(2) The board shall report the excess costs computed under this division to the department of education.~~ 26795
26796

~~(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.~~ 26797
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26801
26802

~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count~~ 26803
26804

~~any adjacent or other district joint vocational student enrolled~~ 26805
~~in the district in its enrollment certified under section 3317.03~~ 26806
~~of the Revised Code.~~ 26807

~~(G)~~ No city, exempted village, or local school district shall 26808
receive a payment under division (C) of this section for a 26809
student, ~~and no joint vocational school district shall receive a~~ 26810
~~payment under division (D) of this section for a student,~~ if for 26811
the same school year that student is counted in the district's 26812
enrollment certified under section 3317.03 of the Revised Code. 26813

~~(H)~~(E) Upon request of a parent, and provided the board 26814
offers transportation to native students of the same grade level 26815
and distance from school under section 3327.01 of the Revised 26816
Code, a city, exempted village, or local school board enrolling an 26817
adjacent or other district student shall provide transportation 26818
for the student within the boundaries of the board's district, 26819
except that the board shall be required to pick up and drop off a 26820
nonhandicapped student only at a regular school bus stop 26821
designated in accordance with the board's transportation policy. 26822
Pursuant to rules of the state board of education, such board may 26823
reimburse the parent from funds received for pupil transportation 26824
under section 3317.0212 of the Revised Code, or other provisions 26825
of law, for the reasonable cost of transportation from the 26826
student's home to the designated school bus stop if the student's 26827
family has an income below the federal poverty line. 26828

Sec. 3314.013. (A) Until ~~the sixty-first day after the~~ 26829
~~effective date of this amendment~~ May 22, 2013, no internet- or 26830
computer-based community school shall operate unless the school 26831
was open for instruction as of May 1, 2005. No entity described in 26832
division (C)(1) of section 3314.02 of the Revised Code shall enter 26833
into a contract to sponsor an internet- or computer-based 26834
community school, including a conversion school, between May 1, 26835

2005, and ~~the sixty first day after the effective date of this~~ 26836
~~amendment~~ May 22, 2013, except as follows: 26837

(1) The entity may renew a contract that the entity entered 26838
into with an internet- or computer-based community school prior to 26839
May 1, 2005, if the school was open for operation as of that date. 26840

(2) The entity may assume sponsorship of an existing 26841
internet- or computer-based community school that was formerly 26842
sponsored by another entity and may enter into a contract with 26843
that community school in accordance with section 3314.03 of the 26844
Revised Code. 26845

If a sponsor entered into a contract with an internet- or 26846
computer-based community school, including a conversion school, 26847
but the school was not open for operation as of May 1, 2005, the 26848
contract shall be void and the entity shall not enter into another 26849
contract with the school until ~~the sixty first day after the~~ 26850
~~effective date of this amendment~~ May 22, 2013. 26851

(B)(1) Beginning on ~~the later of~~ July 1, 2013, ~~or the~~ 26852
~~sixty first day after the effective date of this amendment~~, up to 26853
five new internet- or computer-based community schools may open 26854
each year, subject to approval of the superintendent of public 26855
instruction under division (B)(2) of this section. 26856

(2) The superintendent of public instruction shall approve 26857
applications for new internet- or computer-based community schools 26858
from only those applicants demonstrating experience and quality. 26859

The state board of education shall adopt rules prescribing 26860
measures to determine experience and quality of applicants in 26861
accordance with Chapter 119. of the Revised Code. The measures 26862
shall include, but not be limited to, the following 26863
considerations: 26864

(a) The sponsor's experience with online schools; 26865

(b) The operator's experience with online schools;	26866
(c) The sponsor's and operator's previous record for student performance;	26867 26868
(d) A preference for operators with previous experience in Ohio.	26869 26870
The state board shall adopt the rules so that they are effective not later than the sixty first day after the effective date of this amendment <u>May 22, 2013</u> .	26871 26872 26873
(3) The department of education shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the superintendent has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013, or the sixty first day after the effective date of this amendment, if such date occurs after July 1, 2013 . Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.	26874 26875 26876 26877 26878 26879 26880 26881 26882 26883 26884 26885 26886 26887 26888 26889 26890
(C) Nothing in divisions <u>division</u> (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.	26891 26892 26893
(D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of	26894 26895 26896

~~internet or computer based community schools. The director shall 26897
submit those standards to the speaker of the house of 26898
representatives and the president of the senate for consideration 26899
of enactment by the general assembly. 26900~~

Sec. 3314.016. This section applies to any entity that 26901
sponsors a community school, regardless of whether section 26902
3314.021 or 3314.027 of the Revised Code exempts the entity from 26903
the requirement to be approved for sponsorship under divisions 26904
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 26905
office of Ohio school sponsorship established under section 26906
3314.029 of the Revised Code shall be rated under division (B) of 26907
this section, but divisions (A) and (C) of this section do not 26908
apply to the office. 26909

(A) An entity that sponsors a community school shall be 26910
permitted to enter into contracts under section 3314.03 of the 26911
Revised Code to sponsor additional community schools only if the 26912
entity meets all of the following criteria: 26913

(1) The entity is in compliance with all provisions of this 26914
chapter requiring sponsors of community schools to report data or 26915
information to the department of education. 26916

(2) The entity is not rated as "ineffective" under division 26917
(B)(6) of this section. 26918

(3) Except as set forth in sections 3314.021 and 3314.027 of 26919
the Revised Code, the entity has received approval from and 26920
entered into an agreement with the department of education 26921
pursuant to section 3314.015 of the Revised Code. 26922

(B)(1) The department shall develop and implement an 26923
evaluation system that annually rates and assigns an overall 26924
rating to each entity that sponsors a community school. The 26925
department, not later than the first day of February of each year, 26926

shall post on the department's web site the framework for the evaluation system, including technical documentation that the department intends to use to rate sponsors for the next school year. The department shall solicit public comment on the evaluation system for thirty consecutive days. Not later than the first day of April of each year, the department shall compile and post on the department's web site all public comments that were received during the public comment period. The evaluation system shall be posted on the department's web site by the fifteenth day of July of each school year. Any changes to the evaluation system after that date shall take effect the following year. The evaluation system shall be based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once

over a period of three years, the most recent rating for a 26959
sponsor's adherence to quality practices shall be used when 26960
determining an annual overall rating conducted under this section. 26961

(c) Compliance with all applicable laws and administrative 26962
rules by an entity that sponsors a community school. 26963

(2) In calculating an academic performance component, the 26964
department shall exclude all community schools that have been in 26965
operation for not more than two full school years and all 26966
community schools described in division (A)(4)(b) of section 26967
3314.35 of the Revised Code. However, the academic performance of 26968
the community schools described in division (A)(4)(b) of section 26969
3314.35 of the Revised Code shall be reported, but shall not be 26970
used as a factor when determining a sponsoring entity's rating 26971
under this section. 26972

(3) The department, in consultation with entities that 26973
sponsor community schools, shall prescribe quality practices for 26974
community school sponsors and develop an instrument to measure 26975
adherence to those quality practices. The quality practices shall 26976
be based on standards developed by the national association of 26977
charter school authorizers or any other nationally organized 26978
community school organization. 26979

(4)(a) The department may permit peer review of a sponsor's 26980
adherence to the quality practices prescribed under division 26981
(B)(3) of this section. Peer reviewers shall be limited to 26982
individuals employed by sponsors rated "effective" or "exemplary" 26983
on the most recent ratings conducted under this section. 26984

(b) The department shall require individuals participating in 26985
peer review under division (B)(4)(a) of this section to complete 26986
training approved or established by the department. 26987

(c) The department may enter into an agreement with another 26988
entity to provide training to individuals conducting peer review 26989

of sponsors. Prior to entering into an agreement with an entity, 26990
the department shall review and approve of the entity's training 26991
program. 26992

(5) Not later than July 1, 2013, the state board of education 26993
shall adopt rules in accordance with Chapter 119. of the Revised 26994
Code prescribing standards for measuring compliance with 26995
applicable laws and rules under division (B)(1)(c) of this 26996
section. 26997

(6) The department annually shall rate all entities that 26998
sponsor community schools as either "exemplary," "effective," 26999
"ineffective," or "poor," based on the components prescribed by 27000
division (B) of this section, where each component is weighted 27001
equally. A separate rating shall be given by the department for 27002
each component of the evaluation system. 27003

The department shall publish the ratings between the first 27004
day of October and the fifteenth day of November. 27005

Prior to the publication of the final ratings, the department 27006
shall designate and provide notice of a period of at least ten 27007
business days during which each sponsor may review the information 27008
used by the department to determine the sponsor's rating on the 27009
components prescribed by division (B)(1) of this section. If the 27010
sponsor believes there is an error in the department's evaluation, 27011
the sponsor may request adjustments to the rating of any of those 27012
components based on documentation previously submitted as part of 27013
an evaluation. The sponsor shall provide to the department any 27014
necessary evidence or information to support the requested 27015
adjustments. The department shall review the evidence and 27016
information, determine whether an adjustment is valid, and 27017
promptly notify the sponsor of its determination and reasons. If 27018
any adjustments to the data could result in a change to the rating 27019
on the applicable component or to the overall rating, the 27020
department shall recalculate the ratings prior to publication. 27021

The department shall provide training on an annual basis 27022
regarding the evaluation system prescribed under this section. The 27023
training shall, at a minimum, describe methodology, timelines, and 27024
data required for the evaluation system. The first training 27025
session shall occur not later than March 2, 2016. Beginning in 27026
2018, the training shall be made available to each entity that 27027
sponsors a community school by the fifteenth day of July of each 27028
year and shall include guidance on any changes made to the 27029
evaluation system. 27030

(7)(a) Entities with an overall rating of "exemplary" for ~~at~~ 27031
least the two consecutive most recent years in which the entity 27032
was evaluated may take advantage of the following incentives: 27033

(i) Renewal of the written agreement with the department, not 27034
to exceed ten years, provided that the entity consents to 27035
continued evaluation of adherence to quality practices as 27036
described in division (B)(1)(b) of this section; 27037

(ii) The ability to extend the term of the contract between 27038
the sponsoring entity and the community school beyond the term 27039
described in the written agreement with the department; 27040

(iii) An exemption from the preliminary agreement and 27041
contract adoption and execution deadline requirements prescribed 27042
in division (D) of section 3314.02 of the Revised Code; 27043

(iv) An exemption from the automatic contract expiration 27044
requirement, should a new community school fail to open by the 27045
thirtieth day of September of the calendar year in which the 27046
community school contract is executed; 27047

(v) No limit on the number of community schools the entity 27048
may sponsor; 27049

(vi) No territorial restrictions on sponsorship. 27050

An entity may continue to sponsor any community schools with 27051

which it entered into agreements under division (B)(7)(a)(v) or 27052
(vi) of this section while rated "exemplary," notwithstanding the 27053
fact that the entity later receives a lower overall rating. 27054

(b) Entities with an overall rating of "exemplary" or 27055
"effective" for ~~at least~~ the three consecutive most recent years 27056
in which the entity was evaluated shall be evaluated by the 27057
department once every three years. 27058

(c)(i) Entities that receive an overall rating of 27059
"ineffective" shall be prohibited from sponsoring any new or 27060
additional community schools during the time in which the sponsor 27061
is rated as "ineffective" and shall be subject to a quality 27062
improvement plan based on correcting the deficiencies that led to 27063
the "ineffective" rating, with timelines and benchmarks that have 27064
been established by the department. 27065

(ii) Entities that receive an overall rating of "ineffective" 27066
on their three most recent ratings shall have all sponsorship 27067
authority revoked. Within thirty days after receiving its third 27068
rating of "ineffective," the entity may appeal the revocation of 27069
its sponsorship authority to the superintendent of public 27070
instruction, who shall appoint an independent hearing officer to 27071
conduct a hearing in accordance with Chapter 119. of the Revised 27072
Code. The hearing shall be conducted within thirty days after 27073
receipt of the notice of appeal. Within forty-five days after the 27074
hearing is completed, the state board of education shall determine 27075
whether the revocation is appropriate based on the hearing 27076
conducted by the independent hearing officer, and if determined 27077
appropriate, the revocation shall be confirmed. 27078

(d) Entities that receive an overall rating of "poor" shall 27079
have all sponsorship authority revoked. Within thirty days after 27080
receiving a rating of "poor," the entity may appeal the revocation 27081
of its sponsorship authority to the superintendent of public 27082
instruction, who shall appoint an independent hearing officer to 27083

conduct a hearing in accordance with Chapter 119. of the Revised 27084
Code. The hearing shall be conducted within thirty days after 27085
receipt of the notice of appeal. Within forty-five days after the 27086
hearing is completed, the state board of education shall determine 27087
whether the revocation is appropriate based on the hearing 27088
conducted by the independent hearing officer, and if determined 27089
appropriate, the revocation shall be confirmed. 27090

(8) For the 2014-2015 school year and each school year 27091
thereafter, student academic performance prescribed under division 27092
(B)(1)(a) of this section shall include student academic 27093
performance data from community schools that primarily serve 27094
students enrolled in a dropout prevention and recovery program. 27095

(C) If the governing authority of a community school enters 27096
into a contract with a sponsor prior to the date on which the 27097
sponsor is prohibited from sponsoring additional schools under 27098
division (A) of this section and the school has not opened for 27099
operation as of that date, that contract shall be void and the 27100
school shall not open until the governing authority secures a new 27101
sponsor by entering into a contract with the new sponsor under 27102
section 3314.03 of the Revised Code. However, the department's 27103
office of Ohio school sponsorship, established under section 27104
3314.029 of the Revised Code, may assume the sponsorship of the 27105
school until the earlier of the expiration of two school years or 27106
until a new sponsor is secured by the school's governing 27107
authority. A community school sponsored by the department under 27108
this division shall not be included when calculating the maximum 27109
number of directly authorized community schools permitted under 27110
division (A)(3) of section 3314.029 of the Revised Code. 27111

(D) When an entity's authority to sponsor schools is revoked 27112
pursuant to division ~~(B)(7)(b)~~ (B)(7)(c) or ~~(c)~~ (d) of this section, 27113
the office of Ohio school sponsorship shall assume sponsorship of 27114
any schools with which the original sponsor has contracted for the 27115

remainder of that school year. The office may continue sponsoring 27116
those schools until the earlier of: 27117

(1) The expiration of two school years from the time that 27118
sponsorship is revoked; 27119

(2) When a new sponsor is secured by the governing authority 27120
pursuant to division (C)(1) of section 3314.02 of the Revised 27121
Code. 27122

Any community school sponsored under this division shall not 27123
be counted for purposes of directly authorized community schools 27124
under division (A)(3) of section 3314.029 of the Revised Code. 27125

(E) The department shall recalculate the rating for the 27126
2017-2018 school year for each sponsor of a community school that 27127
receives recalculated ratings pursuant to division (I) of section 27128
3314.017 of the Revised Code. 27129

Sec. 3314.017. (A) The state board of education shall 27130
prescribe by rules, adopted in accordance with Chapter 119. of the 27131
Revised Code, an academic performance rating and report card 27132
system that satisfies the requirements of this section for 27133
community schools that primarily serve students enrolled in 27134
dropout prevention and recovery programs as described in division 27135
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 27136
lieu of the system prescribed under sections 3302.03 and 3314.012 27137
of the Revised Code beginning with the 2012-2013 school year. Each 27138
such school shall comply with the testing and reporting 27139
requirements of the system as prescribed by the state board. 27140

(B) Nothing in this section shall at any time relieve a 27141
school from its obligations under the "No Child Left Behind Act of 27142
2001" to make "adequate yearly progress," as both that act and 27143
that term are defined in section 3302.01 of the Revised Code, or a 27144
school's amenability to the provisions of section 3302.04 or 27145

3302.041 of the Revised Code. The department of education shall 27146
continue to report each school's performance as required by the 27147
act and to enforce applicable sanctions under section 3302.04 or 27148
3302.041 of the Revised Code. 27149

(C) The rules adopted by the state board shall prescribe the 27150
following performance indicators for the rating and report card 27151
system required by this section: 27152

(1) Graduation rate for each of the following student 27153
cohorts: 27154

(a) The number of students who graduate in four years or less 27155
with a regular high school diploma divided by the number of 27156
students who form the adjusted cohort for the graduating class; 27157

(b) The number of students who graduate in five years with a 27158
regular high school diploma divided by the number of students who 27159
form the adjusted cohort for the four-year graduation rate; 27160

(c) The number of students who graduate in six years with a 27161
regular high school diploma divided by the number of students who 27162
form the adjusted cohort for the four-year graduation rate; 27163

(d) The number of students who graduate in seven years with a 27164
regular high school diploma divided by the number of students who 27165
form the adjusted cohort for the four-year graduation rate; 27166

(e) The number of students who graduate in eight years with a 27167
regular high school diploma divided by the number of students who 27168
form the adjusted cohort for the four-year graduation rate. 27169

(2) The percentage of twelfth-grade students currently 27170
enrolled in the school who have attained the designated passing 27171
score on all of the state high school achievement assessments 27172
required under division (B)(1) of section 3301.0710 of the Revised 27173
Code or the cumulative performance score on the end-of-course 27174
examinations prescribed under division (B)(2) of section 3301.0712 27175

of the Revised Code, whichever applies, and other students 27176
enrolled in the school, regardless of grade level, who are within 27177
three months of their twenty-second birthday and have attained the 27178
designated passing score on all of the state high school 27179
achievement assessments or the cumulative performance score on the 27180
end-of-course examinations, whichever applies, by their 27181
twenty-second birthday; 27182

(3) Annual measurable objectives as defined in section 27183
3302.01 of the Revised Code; 27184

(4) Growth in student achievement in reading, or mathematics, 27185
or both as measured by separate nationally norm-referenced 27186
assessments that have developed appropriate standards for students 27187
enrolled in dropout prevention and recovery programs, adopted or 27188
approved by the state board. 27189

(D)(1) The state board's rules shall prescribe the expected 27190
performance levels and benchmarks for each of the indicators 27191
prescribed by division (C) of this section based on the data 27192
gathered by the department under division (G) of this section. 27193
Based on a school's level of attainment or nonattainment of the 27194
expected performance levels and benchmarks for each of the 27195
indicators, the department shall rate each school in one of the 27196
following categories: 27197

(a) Exceeds standards; 27198

(b) Meets standards; 27199

(c) Does not meet standards. 27200

(2) The state board's rules shall establish all of the 27201
following: 27202

(a) Not later than June 30, 2013, performance levels and 27203
benchmarks for the indicators described in divisions (C)(1) to (3) 27204
of this section; 27205

(b) Not later than December 31, 2014, both of the following:	27206
(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	27207 27208
(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	27209 27210 27211
(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.	27212 27213 27214 27215
(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.	27216 27217
(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.	27218 27219
(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.	27220 27221
(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	27222 27223 27224 27225
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	27226 27227 27228 27229
(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:	27230 27231 27232 27233 27234 27235

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;	27236 27237
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	27238 27239 27240 27241
(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;	27242 27243 27244
(d) Annual measurable objectives described in division (C)(3) of this section.	27245 27246
(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:	27247 27248 27249 27250
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27251 27252 27253
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27254 27255 27256 27257 27258
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27259 27260 27261
(d) Both of the following without an assigned rating:	27262
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	27263 27264 27265

(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	27266 27267 27268
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	27269 27270 27271 27272 27273 27274 27275
(a) The graduation rates as described in division (C)(1) of this section;	27276 27277
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	27278 27279 27280 27281
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27282 27283 27284
(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;	27285 27286
(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.	27287 27288 27289
The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.	27290 27291 27292 27293 27294 27295

(F) Not later than the thirty-first day of July of each year, 27296
the department shall submit preliminary report card data for 27297
overall academic performance for each performance measure 27298
prescribed in division (E)(3) of this section for each community 27299
school to which this section applies. 27300

(G) In developing the rating and report card system required 27301
by this section, during the 2012-2013 and 2013-2014 school years, 27302
the department shall gather and analyze data as determined 27303
necessary from each community school described in division 27304
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 27305
shall cooperate with the department by supplying requested data 27306
and administering required assessments, including sample 27307
assessments for purposes of measuring student achievement growth 27308
as described in division (C)(4) of this section. The department 27309
shall consult with stakeholder groups in performing its duties 27310
under this division. 27311

The department shall also identify one or more states that 27312
have established or are in the process of establishing similar 27313
academic performance rating systems for dropout prevention and 27314
recovery programs and consult with the departments of education of 27315
those states in developing the system required by this section. 27316

(H) Not later than December 31, 2014, the state board shall 27317
review the performance levels and benchmarks for performance 27318
indicators in the report card issued under this section and may 27319
revise them based on the data collected under division (G) of this 27320
section. 27321

(I) For the purposes of division (F) of section 3314.351 of 27322
the Revised Code, the department shall recalculate the ratings for 27323
each school under division (E)(3) of this section for the 27324
2017-2018 school year and calculate the ratings under that 27325
division for the 2018-2019 school year using the indicators 27326
prescribed by division (C) of this section, as it exists on and 27327

~~after the effective date of this amendment July 18, 2019.~~ 27328

~~(J) The state board shall coordinate a study committee 27329
consisting of one member of the Ohio senate appointed by the 27330
president of the senate, one member of the Ohio house of 27331
representatives appointed by the speaker of the house of 27332
representatives, one representative of the governor's office, one 27333
school district superintendent appointed by the state board, and 27334
one chief administrator of a community school appointed by the 27335
state board. This committee shall conduct a study regarding the 27336
classification, authorization, and report card ratings of 27337
community schools that primarily serve students enrolled in 27338
dropout prevention and recovery programs as described in division 27339
(A)(4)(a) of section 3314.35 of the Revised Code that offer two or 27340
more of the following educational models: 27341~~

~~(1) Blended learning, as that term is defined in section 27342
3301.079 of the Revised Code; 27343~~

~~(2) Portfolio learning, as defined by the members of the 27344
committee; 27345~~

~~(3) Credit flexibility, which permits credits to be awarded 27346
based on a student's demonstration of subject area competency. 27347~~

~~The state board, on behalf of the committee, shall submit the 27348
committee's recommendations to the general assembly in accordance 27349
with section 101.68 of the Revised Code not later than six months 27350
after the effective date of this amendment. 27351~~

Sec. 3314.03. A copy of every contract entered into under 27353
this section shall be filed with the superintendent of public 27354
instruction. The department of education shall make available on 27355
its web site a copy of every approved, executed contract filed 27356
with the superintendent under this section. 27357

(A) Each contract entered into between a sponsor and the 27358

governing authority of a community school shall specify the 27359
following: 27360

(1) That the school shall be established as either of the 27361
following: 27362

(a) A nonprofit corporation established under Chapter 1702. 27363
of the Revised Code, if established prior to April 8, 2003; 27364

(b) A public benefit corporation established under Chapter 27365
1702. of the Revised Code, if established after April 8, 2003. 27366

(2) The education program of the school, including the 27367
school's mission, the characteristics of the students the school 27368
is expected to attract, the ages and grades of students, and the 27369
focus of the curriculum; 27370

(3) The academic goals to be achieved and the method of 27371
measurement that will be used to determine progress toward those 27372
goals, which shall include the statewide achievement assessments; 27373

(4) Performance standards, including but not limited to all 27374
applicable report card measures set forth in section 3302.03 or 27375
3314.017 of the Revised Code, by which the success of the school 27376
will be evaluated by the sponsor; 27377

(5) The admission standards of section 3314.06 of the Revised 27378
Code and, if applicable, section 3314.061 of the Revised Code; 27379

(6)(a) Dismissal procedures; 27380

(b) A requirement that the governing authority adopt an 27381
attendance policy that includes a procedure for automatically 27382
withdrawing a student from the school if the student without a 27383
legitimate excuse fails to participate in seventy-two consecutive 27384
hours of the learning opportunities offered to the student. 27385

(7) The ways by which the school will achieve racial and 27386
ethnic balance reflective of the community it serves; 27387

(8) Requirements for financial audits by the auditor of 27388

state. The contract shall require financial records of the school 27389
to be maintained in the same manner as are financial records of 27390
school districts, pursuant to rules of the auditor of state. 27391
Audits shall be conducted in accordance with section 117.10 of the 27392
Revised Code. 27393

(9) An addendum to the contract outlining the facilities to 27394
be used that contains at least the following information: 27395

(a) A detailed description of each facility used for 27396
instructional purposes; 27397

(b) The annual costs associated with leasing each facility 27398
that are paid by or on behalf of the school; 27399

(c) The annual mortgage principal and interest payments that 27400
are paid by the school; 27401

(d) The name of the lender or landlord, identified as such, 27402
and the lender's or landlord's relationship to the operator, if 27403
any. 27404

(10) Qualifications of teachers, including a requirement that 27405
the school's classroom teachers be licensed in accordance with 27406
sections 3319.22 to 3319.31 of the Revised Code, except that a 27407
community school may engage noncertificated persons to teach up to 27408
twelve hours or forty hours per week pursuant to section 3319.301 27409
of the Revised Code. 27410

(11) That the school will comply with the following 27411
requirements: 27412

(a) The school will provide learning opportunities to a 27413
minimum of twenty-five students for a minimum of nine hundred 27414
twenty hours per school year. 27415

(b) The governing authority will purchase liability 27416
insurance, or otherwise provide for the potential liability of the 27417
school. 27418

(c) The school will be nonsectarian in its programs, 27419
admission policies, employment practices, and all other 27420
operations, and will not be operated by a sectarian school or 27421
religious institution. 27422

(d) The school will comply with sections 9.90, 9.91, 109.65, 27423
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 27424
3301.0712, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.472, 27425
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 27426
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 27427
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 27428
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 27429
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 27430
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 27431
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 27432
3319.077, 3319.078, 3319.0812, 3319.318, 3319.321, 3319.39, 27433
3319.391, 3319.393, 3319.394, 3319.41, 3319.46, 3320.01, 3320.02, 27434
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 27435
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 27436
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 27437
4123., 4141., and 4167. of the Revised Code as if it were a school 27438
district and will comply with section 3301.0714 of the Revised 27439
Code in the manner specified in section 3314.17 of the Revised 27440
Code. 27441

(e) The school shall comply with Chapter 102. and section 27442
2921.42 of the Revised Code. 27443

(f) The school will comply with sections 3313.61, 3313.611, 27444
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 27445
except that for students who enter ninth grade for the first time 27446
before July 1, 2010, the requirement in sections 3313.61 and 27447
3313.611 of the Revised Code that a person must successfully 27448
complete the curriculum in any high school prior to receiving a 27449
high school diploma may be met by completing the curriculum 27450

adopted by the governing authority of the community school rather 27451
than the curriculum specified in Title XXXIII of the Revised Code 27452
or any rules of the state board of education. Beginning with 27453
students who enter ninth grade for the first time on or after July 27454
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 27455
Revised Code that a person must successfully complete the 27456
curriculum of a high school prior to receiving a high school 27457
diploma shall be met by completing the requirements prescribed in 27458
division (C) of section 3313.603 of the Revised Code, unless the 27459
person qualifies under division (D) or (F) of that section. Each 27460
school shall comply with the plan for awarding high school credit 27461
based on demonstration of subject area competency, and beginning 27462
with the 2017-2018 school year, with the updated plan that permits 27463
students enrolled in seventh and eighth grade to meet curriculum 27464
requirements based on subject area competency adopted by the state 27465
board of education under divisions (J)(1) and (2) of section 27466
3313.603 of the Revised Code. Beginning with the 2018-2019 school 27467
year, the school shall comply with the framework for granting 27468
units of high school credit to students who demonstrate subject 27469
area competency through work-based learning experiences, 27470
internships, or cooperative education developed by the department 27471
under division (J)(3) of section 3313.603 of the Revised Code. 27472

(g) The school governing authority will submit within four 27473
months after the end of each school year a report of its 27474
activities and progress in meeting the goals and standards of 27475
divisions (A)(3) and (4) of this section and its financial status 27476
to the sponsor and the parents of all students enrolled in the 27477
school. 27478

(h) The school, unless it is an internet- or computer-based 27479
community school, will comply with section 3313.801 of the Revised 27480
Code as if it were a school district. 27481

(i) If the school is the recipient of moneys from a grant 27482

awarded under the federal race to the top program, Division (A), 27483
Title XIV, Sections 14005 and 14006 of the "American Recovery and 27484
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 27485
school will pay teachers based upon performance in accordance with 27486
section 3317.141 and will comply with section 3319.111 of the 27487
Revised Code as if it were a school district. 27488

(j) If the school operates a preschool program that is 27489
licensed by the department of education under sections 3301.52 to 27490
3301.59 of the Revised Code, the school shall comply with sections 27491
3301.50 to 3301.59 of the Revised Code and the minimum standards 27492
for preschool programs prescribed in rules adopted by the state 27493
board under section 3301.53 of the Revised Code. 27494

(k) The school will comply with sections 3313.6021 and 27495
3313.6023 of the Revised Code as if it were a school district 27496
unless it is either of the following: 27497

(i) An internet- or computer-based community school; 27498

(ii) A community school in which a majority of the enrolled 27499
students are children with disabilities as described in division 27500
(A)(4)(b) of section 3314.35 of the Revised Code. 27501

(l) The school will comply with section 3321.191 of the 27502
Revised Code, unless it is an internet- or computer-based 27503
community school that is subject to section 3314.261 of the 27504
Revised Code. 27505

(12) Arrangements for providing health and other benefits to 27506
employees; 27507

(13) The length of the contract, which shall begin at the 27508
beginning of an academic year. No contract shall exceed five years 27509
unless such contract has been renewed pursuant to division (E) of 27510
this section. 27511

(14) The governing authority of the school, which shall be 27512

responsible for carrying out the provisions of the contract;	27513
(15) A financial plan detailing an estimated school budget	27514
for each year of the period of the contract and specifying the	27515
total estimated per pupil expenditure amount for each such year.	27516
(16) Requirements and procedures regarding the disposition of	27517
employees of the school in the event the contract is terminated or	27518
not renewed pursuant to section 3314.07 of the Revised Code;	27519
(17) Whether the school is to be created by converting all or	27520
part of an existing public school or educational service center	27521
building or is to be a new start-up school, and if it is a	27522
converted public school or service center building, specification	27523
of any duties or responsibilities of an employer that the board of	27524
education or service center governing board that operated the	27525
school or building before conversion is delegating to the	27526
governing authority of the community school with respect to all or	27527
any specified group of employees provided the delegation is not	27528
prohibited by a collective bargaining agreement applicable to such	27529
employees;	27530
(18) Provisions establishing procedures for resolving	27531
disputes or differences of opinion between the sponsor and the	27532
governing authority of the community school;	27533
(19) A provision requiring the governing authority to adopt a	27534
policy regarding the admission of students who reside outside the	27535
district in which the school is located. That policy shall comply	27536
with the admissions procedures specified in sections 3314.06 and	27537
3314.061 of the Revised Code and, at the sole discretion of the	27538
authority, shall do one of the following:	27539
(a) Prohibit the enrollment of students who reside outside	27540
the district in which the school is located;	27541
(b) Permit the enrollment of students who reside in districts	27542
adjacent to the district in which the school is located;	27543

(c) Permit the enrollment of students who reside in any other district in the state.	27544 27545
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	27546 27547 27548 27549
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	27550 27551 27552
(22) A provision recognizing both of the following:	27553
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	27554 27555 27556 27557
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	27558 27559 27560 27561 27562 27563 27564
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	27565 27566 27567 27568 27569 27570
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not	27571 27572 27573 27574

be required to take any action described in division (F) of 27575
section 3302.04 of the Revised Code. 27576

(25) Beginning in the 2006-2007 school year, the school will 27577
open for operation not later than the thirtieth day of September 27578
each school year, unless the mission of the school as specified 27579
under division (A)(2) of this section is solely to serve dropouts. 27580
In its initial year of operation, if the school fails to open by 27581
the thirtieth day of September, or within one year after the 27582
adoption of the contract pursuant to division (D) of section 27583
3314.02 of the Revised Code if the mission of the school is solely 27584
to serve dropouts, the contract shall be void. 27585

(26) Whether the school's governing authority is planning to 27586
seek designation for the school as a STEM school equivalent under 27587
section 3326.032 of the Revised Code; 27588

(27) That the school's attendance and participation policies 27589
will be available for public inspection; 27590

(28) That the school's attendance and participation records 27591
shall be made available to the department of education, auditor of 27592
state, and school's sponsor to the extent permitted under and in 27593
accordance with the "Family Educational Rights and Privacy Act of 27594
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 27595
regulations promulgated under that act, and section 3319.321 of 27596
the Revised Code; 27597

(29) If a school operates using the blended learning model, 27598
as defined in section 3301.079 of the Revised Code, all of the 27599
following information: 27600

(a) An indication of what blended learning model or models 27601
will be used; 27602

(b) A description of how student instructional needs will be 27603
determined and documented; 27604

(c) The method to be used for determining competency,	27605
granting credit, and promoting students to a higher grade level;	27606
(d) The school's attendance requirements, including how the	27607
school will document participation in learning opportunities;	27608
(e) A statement describing how student progress will be	27609
monitored;	27610
(f) A statement describing how private student data will be	27611
protected;	27612
(g) A description of the professional development activities	27613
that will be offered to teachers.	27614
(30) A provision requiring that all moneys the school's	27615
operator loans to the school, including facilities loans or cash	27616
flow assistance, must be accounted for, documented, and bear	27617
interest at a fair market rate;	27618
(31) A provision requiring that, if the governing authority	27619
contracts with an attorney, accountant, or entity specializing in	27620
audits, the attorney, accountant, or entity shall be independent	27621
from the operator with which the school has contracted.	27622
(32) A provision requiring the governing authority to adopt	27623
an enrollment and attendance policy that requires a student's	27624
parent to notify the community school in which the student is	27625
enrolled when there is a change in the location of the parent's or	27626
student's primary residence.	27627
(33) A provision requiring the governing authority to adopt a	27628
student residence and address verification policy for students	27629
enrolling in or attending the school.	27630
(B) The community school shall also submit to the sponsor a	27631
comprehensive plan for the school. The plan shall specify the	27632
following:	27633
(1) The process by which the governing authority of the	27634

school will be selected in the future;	27635
(2) The management and administration of the school;	27636
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	27637 27638 27639 27640 27641
(4) The instructional program and educational philosophy of the school;	27642 27643
(5) Internal financial controls.	27644
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	27645 27646 27647 27648
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	27649 27650 27651 27652 27653 27654 27655 27656 27657 27658
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	27659 27660 27661 27662 27663
(1) Monitor the community school's compliance with all laws	27664

applicable to the school and with the terms of the contract;	27665
(2) Monitor and evaluate the academic and fiscal performance	27666
and the organization and operation of the community school on at	27667
least an annual basis;	27668
(3) Report on an annual basis the results of the evaluation	27669
conducted under division (D)(2) of this section to the department	27670
of education and to the parents of students enrolled in the	27671
community school;	27672
(4) Provide technical assistance to the community school in	27673
complying with laws applicable to the school and terms of the	27674
contract;	27675
(5) Take steps to intervene in the school's operation to	27676
correct problems in the school's overall performance, declare the	27677
school to be on probationary status pursuant to section 3314.073	27678
of the Revised Code, suspend the operation of the school pursuant	27679
to section 3314.072 of the Revised Code, or terminate the contract	27680
of the school pursuant to section 3314.07 of the Revised Code as	27681
determined necessary by the sponsor;	27682
(6) Have in place a plan of action to be undertaken in the	27683
event the community school experiences financial difficulties or	27684
closes prior to the end of a school year.	27685
(E) Upon the expiration of a contract entered into under this	27686
section, the sponsor of a community school may, with the approval	27687
of the governing authority of the school, renew that contract for	27688
a period of time determined by the sponsor, but not ending earlier	27689
than the end of any school year, if the sponsor finds that the	27690
school's compliance with applicable laws and terms of the contract	27691
and the school's progress in meeting the academic goals prescribed	27692
in the contract have been satisfactory. Any contract that is	27693
renewed under this division remains subject to the provisions of	27694
sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	27695

(F) If a community school fails to open for operation within 27696
one year after the contract entered into under this section is 27697
adopted pursuant to division (D) of section 3314.02 of the Revised 27698
Code or permanently closes prior to the expiration of the 27699
contract, the contract shall be void and the school shall not 27700
enter into a contract with any other sponsor. A school shall not 27701
be considered permanently closed because the operations of the 27702
school have been suspended pursuant to section 3314.072 of the 27703
Revised Code. 27704

Sec. 3314.06. The governing authority of each community 27705
school established under this chapter shall adopt admission 27706
procedures that specify the following: 27707

(A) That, except as otherwise provided in this section, 27708
admission to the school shall be open to any individual age five 27709
to twenty-two entitled to attend school pursuant to section 27710
3313.64 or 3313.65 of the Revised Code in a school district in the 27711
state. 27712

Additionally, except as otherwise provided in this section, 27713
admission to the school may be open on a tuition basis to any 27714
individual age five to twenty-two who is not a resident of this 27715
state. The school shall not receive state funds under section 27716
3314.08 of the Revised Code for any student who is not a resident 27717
of this state. 27718

An individual younger than five years of age may be admitted 27719
to the school in accordance with division (A)(2) of section 27720
3321.01 of the Revised Code. The school shall receive funds for an 27721
individual admitted under that division in the manner provided 27722
under section 3314.08 of the Revised Code. 27723

If the school operates a program that uses the Montessori 27724
method endorsed by the American Montessori society, the Montessori 27725
accreditation council for teacher education, or the association 27726

Montessori internationale as its primary method of instruction, 27727
admission to the school may be open to individuals younger than 27728
five years of age. ~~The department of education shall pay the~~ 27729
~~school an amount equal to the formula amount, as defined in~~ 27730
~~section 3317.02 of the Revised Code, for each of these students~~ 27731
~~younger than four years of age. However, but the school shall not~~ 27732
~~receive any other~~ funds under this chapter for those individuals. 27733
Notwithstanding anything to the contrary in this chapter, 27734
individuals younger than five years of age who are enrolled in a 27735
Montessori program shall be offered at least four hundred 27736
fifty-five hours of learning opportunities per school year. 27737

If the school operates a preschool program that is licensed 27738
by the department of education under sections 3301.52 to 3301.59 27739
of the Revised Code, admission to the school may be open to 27740
individuals who are younger than five years of age, but the school 27741
shall not receive funds under this chapter for those individuals. 27742

(B)(1) That admission to the school may be limited to 27743
students who have attained a specific grade level or are within a 27744
specific age group; to students that meet a definition of 27745
"at-risk," as defined in the contract; to residents of a specific 27746
geographic area within the district, as defined in the contract; 27747
or to separate groups of autistic students and nondisabled 27748
students, as authorized in section 3314.061 of the Revised Code 27749
and as defined in the contract. 27750

(2) For purposes of division (B)(1) of this section, 27751
"at-risk" students may include those students identified as gifted 27752
students under section 3324.03 of the Revised Code. 27753

(C) Whether enrollment is limited to students who reside in 27754
the district in which the school is located or is open to 27755
residents of other districts, as provided in the policy adopted 27756
pursuant to the contract. 27757

(D)(1) That there will be no discrimination in the admission	27758
of students to the school on the basis of race, creed, color,	27759
disability, or sex except that:	27760
(a) The governing authority may do either of the following	27761
for the purpose described in division (G) of this section:	27762
(i) Establish a single-gender school for either sex;	27763
(ii) Establish single-gender schools for each sex under the	27764
same contract, provided substantially equal facilities and	27765
learning opportunities are offered for both boys and girls. Such	27766
facilities and opportunities may be offered for each sex at	27767
separate locations.	27768
(b) The governing authority may establish a school that	27769
simultaneously serves a group of students identified as autistic	27770
and a group of students who are not disabled, as authorized in	27771
section 3314.061 of the Revised Code. However, unless the total	27772
capacity established for the school has been filled, no student	27773
with any disability shall be denied admission on the basis of that	27774
disability.	27775
(2) That upon admission of any student with a disability, the	27776
community school will comply with all federal and state laws	27777
regarding the education of students with disabilities.	27778
(E) That the school may not limit admission to students on	27779
the basis of intellectual ability, measures of achievement or	27780
aptitude, or athletic ability, except that a school may limit its	27781
enrollment to students as described in division (B) of this	27782
section.	27783
(F) That the community school will admit the number of	27784
students that does not exceed the capacity of the school's	27785
programs, classes, grade levels, or facilities.	27786
(G) That the purpose of single-gender schools that are	27787

established shall be to take advantage of the academic benefits 27788
some students realize from single-gender instruction and 27789
facilities and to offer students and parents residing in the 27790
district the option of a single-gender education. 27791

(H) That, except as otherwise provided under division (B) of 27792
this section or section 3314.061 of the Revised Code, if the 27793
number of applicants exceeds the capacity restrictions of division 27794
(F) of this section, students shall be admitted by lot from all 27795
those submitting applications, except preference shall be given to 27796
students attending the school the previous year and to students 27797
who reside in the district in which the school is located. 27798
Preference may be given to siblings of students attending the 27799
school the previous year. Preference also may be given to students 27800
who are the children of full-time staff members employed by the 27801
school, provided the total number of students receiving this 27802
preference is less than five per cent of the school's total 27803
enrollment. 27804

Notwithstanding divisions (A) to (H) of this section, in the 27805
event the racial composition of the enrollment of the community 27806
school is violative of a federal desegregation order, the 27807
community school shall take any and all corrective measures to 27808
comply with the desegregation order. 27809

Sec. 3314.08. (A) As used in this section and sections 27810
3314.085 and 3314.089 of the Revised Code: 27811

(1)(a) "Category one career-technical education student" 27812
means a student who is receiving the career-technical education 27813
services described in division (A)(1) of section 3317.014 of the 27814
Revised Code. 27815

(b) "Category two career-technical student" means a student 27816
who is receiving the career-technical education services described 27817
in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code. 27818

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) <u>(A)(3)</u> of section 3317.014 of the Revised Code.	27819 27820 27821
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) <u>(A)(4)</u> of section 3317.014 of the Revised Code.	27822 27823 27824
(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) <u>(A)(5)</u> of section 3317.014 of the Revised Code.	27825 27826 27827 27828
(2)(a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.	27829 27830 27831
(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.	27832 27833
(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.	27834 27835
(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.	27836 27837 27838 27839
(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.	27840 27841 27842
(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.	27843 27844 27845 27846
(d) "Category four special education student" means a student who is receiving special education services for a disability	27847 27848

specified in division (D) of section 3317.013 of the Revised Code. 27849

(e) "Category five special education student" means a student 27850
who is receiving special education services for a disability 27851
specified in division (E) of section 3317.013 of the Revised Code. 27852

(f) "Category six special education student" means a student 27853
who is receiving special education services for a disability 27854
specified in division (F) of section 3317.013 of the Revised Code. 27855

(4) ~~"Formula amount" has the same meaning as in section~~ 27856
~~3317.02 of the Revised Code~~ "Economically disadvantaged index for 27857
a community school" means the square of the quotient of the 27858
percentage of students enrolled in the school who are identified 27859
as economically disadvantaged as defined by the department of 27860
education, divided by the percentage of students in the statewide 27861
ADM identified as economically disadvantaged. For purposes of this 27862
calculation, the "statewide ADM" equals the "statewide ADM" for 27863
city, local, and exempted village school districts described in 27864
division (F)(1) of section 3317.02 of the Revised Code. 27865

(5) "Funding base" means the following: 27866

(a) For a community school that was in operation for the 27867
entirety of fiscal year 2020, the amount paid to the school for 27868
that fiscal year under division (C)(1) of this section as that 27869
division existed prior to the effective date of this amendment in 27870
accordance with division (A) of Section 265.230 of H.B. 166 of the 27871
133rd general assembly and the amount, if any, paid to the school 27872
for that fiscal year under section 3314.085 of the Revised Code in 27873
accordance with division (B) of Section 265.230 of H.B. 166 of the 27874
133rd general assembly; 27875

(b) For a community school that was in operation for part of 27876
fiscal year 2020, the amount that would have been paid to the 27877
school for that fiscal year under division (C)(1) of this section 27878
as that division existed prior to the effective date of this 27879

amendment in accordance with division (A) of Section 265.230 of 27880
H.B. 166 of the 133rd general assembly if the school had been in 27881
operation for the entirety of that fiscal year, as calculated by 27882
the department, and the amount that would have been paid to the 27883
school for that fiscal year under section 3314.085 of the Revised 27884
Code in accordance with division (B) of Section 265.230 of H.B. 27885
166 of the 133rd general assembly, if any, if the school had been 27886
in operation for the entirety of that fiscal year, as calculated 27887
by the department; 27888

(c) For a community school that was not in operation for 27889
fiscal year 2020, the amount that would have been paid to the 27890
school if it was in operation for that school year under division 27891
(C)(1) of this section as that division existed prior to the 27892
effective date of this amendment in accordance with division (A) 27893
of Section 265.230 of H.B. 166 of the 133rd general assembly if 27894
the school had been in operation for the entirety of that fiscal 27895
year, as calculated by the department, and the amount that would 27896
have been paid to the school for that fiscal year under section 27897
3314.085 of the Revised Code in accordance with division (B) of 27898
Section 265.230 of H.B. 166 of the 133rd general assembly, if any, 27899
if the school had been in operation for the entirety of that 27900
fiscal year, as calculated by the department. 27901

(6) "IEP" has the same meaning as in section 3323.01 of the 27902
Revised Code. 27903

~~(6) "Resident district" means the school district in which a 27904
student is entitled to attend school under section 3313.64 or 27905
3313.65 of the Revised Code. 27906~~

~~(7) "State education aid" has the same meaning as in section 27907
5751.20 of the Revised Code A community school's "general phase-in 27908
percentage" for a fiscal year is equal to the general phase-in 27909
percentage for that fiscal year for city, local, exempted village, 27910
and joint vocational school districts as defined in section 27911~~

<u>3317.02 of the Revised Code.</u>	27912
<u>(8) "Statewide average base cost per pupil" and "statewide average career-technical base cost per pupil" have the same meanings as in section 3317.02 of the Revised Code.</u>	27913
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	27915
(B) The state board of education shall adopt rules requiring both of the following:	27916
	27917
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	27918
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	27923
(2) The governing authority of each community school established under this chapter to annually report all of the following:	27924
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	27926
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	27927
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	27930
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	27931
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	27934
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	27935
	27936
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	27938
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in	27939
	27940
	27941

each of divisions (A)(1) to ~~(E)~~(5) of section 3317.014 of the Revised Code that are provided by the community school; 27942
27943

(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to ~~(E)~~ (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned; 27944
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(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 27952
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(g) The number of students reported under divisions (B)(2)(a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income. 27956
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(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 27961
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27963

(i) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 27964
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 27969
27970
27971
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A governing authority of a community school shall not include 27973
in its report under divisions (B)(2)(a) to (h) of this section any 27974
student for whom tuition is charged under division (F) of this 27975
section. 27976

~~(C)(1)~~ (C) For each fiscal year, the department of education 27977
shall compute and distribute state core foundation funding to each 27978
community school established under this chapter in an amount 27979
calculated in accordance with section 3314.0810 of the Revised 27980
Code. 27981

(1) Except as provided in division (C)(2) of this section, 27982
and subject to divisions (C)(3)~~, and (4), (5), (6), and (7)~~ of 27983
this section, on a full-time equivalency basis, for each student 27984
enrolled in a community school established under this chapter, the 27985
department of education annually shall ~~deduct from the state~~ 27986
~~education aid of a student's resident district and, if necessary,~~ 27987
~~from the payment made to the district under sections 321.24 and~~ 27988
~~323.156 of the Revised Code and pay to the community school the~~ 27989
~~sum~~ calculate all of the following: 27990

~~(a) An opportunity grant in an amount equal to the formula~~ 27991
~~amount;~~ The school's base cost per pupil for that fiscal year, 27992
calculated as follows: 27993

The aggregate base cost calculated for the school for that fiscal 27994
year under section 3314.085 of the Revised Code / the number of 27995
students enrolled in the school for that fiscal year 27996

~~(b) The per pupil amount of targeted assistance funds~~ 27997
~~calculated under division (A) of section 3317.0217 of the Revised~~ 27998
~~Code for the student's resident district, as determined by the~~ 27999
~~department, X 0.25;~~ 28000

~~(e)~~ Additional state aid for special education and related 28001
services provided under Chapter 3323. of the Revised Code as 28002
follows: 28003

(i) If the student is a category one special education student, the ~~amount~~ multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) If the student is a category two special education student, the ~~amount~~ multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) If the student is a category three special education student, the ~~amount~~ multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) If the student is a category four special education student, the ~~amount~~ multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) If the student is a category five special education student, the ~~amount~~ multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) If the student is a category six special education student, the ~~amount~~ multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

~~(d) If the student is in kindergarten through third grade, an additional amount of \$320;~~

~~(e)~~(c) If the student is economically disadvantaged, an ~~additional~~ amount of disadvantaged pupil impact aid equal to the following:

~~\$272~~ \$422 X the ~~resident district's~~ school's economically

disadvantaged index	28034
(f) (d) English learner funds as follows:	28035
(i) If the student is a category one English learner, the amount <u>multiple</u> specified in division (A) of section 3317.016 of the Revised Code <u>X the statewide average base cost per pupil for that fiscal year;</u>	28036 28037 28038 28039
(ii) If the student is a category two English learner, the amount <u>multiple</u> specified in division (B) of section 3317.016 of the Revised Code <u>X the statewide average base cost per pupil for that fiscal year;</u>	28040 28041 28042 28043
(iii) If the student is a category three English learner, the amount <u>multiple</u> specified in division (C) of section 3317.016 of the Revised Code <u>X the statewide average base cost per pupil for that fiscal year.</u>	28044 28045 28046 28047
(g) If the student is reported under division (B)(2)(d) of this section, career technical education funds as follows:	28048 28049
(i) If the student is a category one career technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	28050 28051 28052
(ii) If the student is a category two career technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	28053 28054 28055
(iii) If the student is a category three career technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	28056 28057 28058
(iv) If the student is a category four career technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	28059 28060 28061
(v) If the student is a category five career technical education student, the amount specified in division (E) of section	28062 28063

~~3317.014 of the Revised Code.~~ 28064

~~Deduction and payment of funds under division (C)(1)(g) of~~ 28065
~~this section is subject to approval by the lead district of a~~ 28066
~~career technical planning district or the department of education~~ 28067
~~under section 3317.161 of the Revised Code.~~ 28068

(2) ~~When deducting from the state education aid of a~~ 28069
~~student's resident district for students enrolled in~~ In the case 28070
of an internet- or computer-based community school ~~and making~~ 28071
~~payments to such school under this section,~~ the department shall 28072
make the ~~deductions and~~ payments described in only divisions 28073
(C)(1)(a), ~~(e)~~, and ~~(g)~~(b) of this section. 28074

No ~~deductions or~~ payments shall be made for a student 28075
enrolled in such school under division ~~(C)(1)(b)~~, (C)(1)(c) or 28076
~~(d), (e), or (f)~~ of this section. 28077

(3)(a) If a community school's costs for a fiscal year for a 28078
student receiving special education and related services pursuant 28079
to an IEP for a disability described in divisions (B) to (F) of 28080
section 3317.013 of the Revised Code exceed the threshold 28081
catastrophic cost for serving the student as specified in division 28082
(B) of section 3317.0214 of the Revised Code, the school may 28083
submit to the superintendent of public instruction documentation, 28084
as prescribed by the superintendent, of all its costs for that 28085
student. Upon submission of documentation for a student of the 28086
type and in the manner prescribed, the department shall pay to the 28087
community school an amount equal to the school's costs for the 28088
student in excess of the threshold catastrophic costs. 28089

(b) The community school shall report under division 28090
(C)(3)(a) of this section, and the department shall pay for, only 28091
the costs of educational expenses and the related services 28092
provided to the student in accordance with the student's 28093
individualized education program. Any legal fees, court costs, or 28094

other costs associated with any cause of action relating to the 28095
student may not be included in the amount. 28096

~~(4) In any fiscal year, a community school receiving funds 28097
under division (C)(1)(g) of this section shall spend those funds 28098
only for the purposes that the department designates as approved 28099
for career technical education expenses. Career technical 28100
education expenses approved by the department shall include only 28101
expenses connected to the delivery of career technical programming 28102
to career technical students. The department shall require the 28103
school to report data annually so that the department may monitor 28104
the school's compliance with the requirements regarding the manner 28105
in which funding received under division (C)(1)(g) of this section 28106
may be spent. 28107~~

~~(5) Notwithstanding anything to the contrary in section 28108
3313.90 of the Revised Code, except as provided in division (C)(9) 28109
of this section, all funds received under division (C)(1)(g) of 28110
this section shall be spent in the following manner: 28111~~

~~(a) At least seventy five per cent of the funds shall be 28112
spent on curriculum development, purchase, and implementation; 28113
instructional resources and supplies; industry based program 28114
certification; student assessment, credentialing, and placement; 28115
curriculum specific equipment purchases and leases; 28116
career technical student organization fees and expenses; home and 28117
agency linkages; work based learning experiences; professional 28118
development; and other costs directly associated with 28119
career technical education programs including development of new 28120
programs. 28121~~

~~(b) Not more than twenty five per cent of the funds shall be 28122
used for personnel expenditures. 28123~~

~~(6) A community school shall spend the funds it receives 28124
under division (C)(1)(e) (C)(1)(c) of this section in accordance 28125~~

with section 3317.25 of the Revised Code. 28126

(5) In any fiscal year, a community school shall spend the funds it receives under division (C)(1)(d) of this section only for services for English learners. 28127
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~~(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.~~ 28130
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~~(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet or computer based community school, an amount equal to the following:~~ 28139
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~~(The number of students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 28143
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~~(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:~~ 28146
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~~(The number of the district's students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 28152
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28154

~~(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively~~ 28155
28156

~~provides one or more career technical workforce development 28157
programs in arts and communications that are not 28158
equipment intensive, as determined by the department. 28159~~

(D) A board of education sponsoring a community school may 28160
utilize local funds to make enhancement grants to the school or 28161
may agree, either as part of the contract or separately, to 28162
provide any specific services to the community school at no cost 28163
to the school. 28164

(E) A community school may not levy taxes or issue bonds 28165
secured by tax revenues. 28166

(F) No community school shall charge tuition for the 28167
enrollment of any student who is a resident of this state. A 28168
community school may charge tuition for the enrollment of any 28169
student who is not a resident of this state. 28170

(G)(1)(a) A community school may borrow money to pay any 28171
necessary and actual expenses of the school in anticipation of the 28172
receipt of any portion of the payments to be received by the 28173
school pursuant to division (C) of this section and section 28174
3314.089 of the Revised Code. The school may issue notes to 28175
evidence such borrowing. The proceeds of the notes shall be used 28176
only for the purposes for which the anticipated receipts may be 28177
lawfully expended by the school. 28178

(b) A school may also borrow money for a term not to exceed 28179
fifteen years for the purpose of acquiring facilities. 28180

(2) Except for any amount guaranteed under section 3318.50 of 28181
the Revised Code, the state is not liable for debt incurred by the 28182
governing authority of a community school. 28183

(H) The department of education shall adjust the amounts 28184
~~subtracted and~~ paid under division (C) of this section and section 28185
3314.089 of the Revised Code to reflect any enrollment of students 28186
in community schools for less than the equivalent of a full school 28187

year. The state board of education within ninety days after April 28188
8, 2003, shall adopt in accordance with Chapter 119. of the 28189
Revised Code rules governing the payments to community schools 28190
under this section including initial payments in a school year and 28191
adjustments and reductions made in subsequent periodic payments to 28192
community schools ~~and corresponding deductions from school~~ 28193
~~district accounts~~ as provided under division (C) of this section 28194
and section 3314.089 of the Revised Code. For purposes of this 28195
section: 28196

(1) A student shall be considered enrolled in the community 28197
school for any portion of the school year the student is 28198
participating at a college under Chapter 3365. of the Revised 28199
Code. 28200

(2) A student shall be considered to be enrolled in a 28201
community school for the period of time beginning on the later of 28202
the date on which the school both has received documentation of 28203
the student's enrollment from a parent and the student has 28204
commenced participation in learning opportunities as defined in 28205
the contract with the sponsor, or thirty days prior to the date on 28206
which the student is entered into the education management 28207
information system established under section 3301.0714 of the 28208
Revised Code. For purposes of applying this division and divisions 28209
(H)(3) and (4) of this section to a community school student, 28210
"learning opportunities" shall be defined in the contract, which 28211
shall describe both classroom-based and non-classroom-based 28212
learning opportunities and shall be in compliance with criteria 28213
and documentation requirements for student participation which 28214
shall be established by the department. Any student's instruction 28215
time in non-classroom-based learning opportunities shall be 28216
certified by an employee of the community school. A student's 28217
enrollment shall be considered to cease on the date on which any 28218
of the following occur: 28219

(a) The community school receives documentation from a parent 28220
terminating enrollment of the student. 28221

(b) The community school is provided documentation of a 28222
student's enrollment in another public or private school. 28223

(c) The community school ceases to offer learning 28224
opportunities to the student pursuant to the terms of the contract 28225
with the sponsor or the operation of any provision of this 28226
chapter. 28227

Except as otherwise specified in this paragraph, beginning in 28228
the 2011-2012 school year, any student who completed the prior 28229
school year in an internet- or computer-based community school 28230
shall be considered to be enrolled in the same school in the 28231
subsequent school year until the student's enrollment has ceased 28232
as specified in division (H)(2) of this section. The department 28233
shall continue ~~subtracting and~~ paying amounts for the student 28234
under division (C) of this section and section 3314.089 of the 28235
Revised Code without interruption at the start of the subsequent 28236
school year. However, if the student without a legitimate excuse 28237
fails to participate in the first seventy-two consecutive hours of 28238
learning opportunities offered to the student in that subsequent 28239
school year, the student shall be considered not to have 28240
re-enrolled in the school for that school year and the department 28241
shall recalculate the payments to the school for that school year 28242
to account for the fact that the student is not enrolled. 28243

(3) The department shall determine each community school 28244
student's percentage of full-time equivalency based on the 28245
percentage of learning opportunities offered by the community 28246
school to that student, reported either as number of hours or 28247
number of days, is of the total learning opportunities offered by 28248
the community school to a student who attends for the school's 28249
entire school year. However, no internet- or computer-based 28250
community school shall be credited for any time a student spends 28251

participating in learning opportunities beyond ten hours within 28252
any period of twenty-four consecutive hours. Whether it reports 28253
hours or days of learning opportunities, each community school 28254
shall offer not less than nine hundred twenty hours of learning 28255
opportunities during the school year. 28256

(4) With respect to the calculation of full-time equivalency 28257
under division (H)(3) of this section, the department shall waive 28258
the number of hours or days of learning opportunities not offered 28259
to a student because the community school was closed during the 28260
school year due to disease epidemic, hazardous weather conditions, 28261
law enforcement emergencies, inoperability of school buses or 28262
other equipment necessary to the school's operation, damage to a 28263
school building, or other temporary circumstances due to utility 28264
failure rendering the school building unfit for school use, so 28265
long as the school was actually open for instruction with students 28266
in attendance during that school year for not less than the 28267
minimum number of hours required by this chapter. The department 28268
shall treat the school as if it were open for instruction with 28269
students in attendance during the hours or days waived under this 28270
division. 28271

(I) The department of education shall reduce the amounts paid 28272
under this section and section 3314.089 of the Revised Code to 28273
reflect payments made to colleges under section 3365.07 of the 28274
Revised Code. 28275

(J)(1) No student shall be considered enrolled in any 28276
internet- or computer-based community school or, if applicable to 28277
the student, in any community school that is required to provide 28278
the student with a computer pursuant to division (C) of section 28279
3314.22 of the Revised Code, unless both of the following 28280
conditions are satisfied: 28281

(a) The student possesses or has been provided with all 28282
required hardware and software materials and all such materials 28283

are operational so that the student is capable of fully 28284
participating in the learning opportunities specified in the 28285
contract between the school and the school's sponsor as required 28286
by division (A)(23) of section 3314.03 of the Revised Code; 28287

(b) The school is in compliance with division (A) of section 28288
3314.22 of the Revised Code, relative to such student. 28289

(2) In accordance with policies adopted by the superintendent 28290
of public instruction, in consultation with the auditor of state, 28291
the department shall reduce the amounts otherwise payable under 28292
division (C) of this section and section 3314.089 of the Revised 28293
Code to any community school that includes in its program the 28294
provision of computer hardware and software materials to any 28295
student, if such hardware and software materials have not been 28296
delivered, installed, and activated for each such student in a 28297
timely manner or other educational materials or services have not 28298
been provided according to the contract between the individual 28299
community school and its sponsor. 28300

The superintendent of public instruction and the auditor of 28301
state shall jointly establish a method for auditing any community 28302
school to which this division pertains to ensure compliance with 28303
this section. 28304

The superintendent, auditor of state, and the governor shall 28305
jointly make recommendations to the general assembly for 28306
legislative changes that may be required to assure fiscal and 28307
academic accountability for such schools. 28308

(K)(1) If the department determines that a review of a 28309
community school's enrollment is necessary, such review shall be 28310
completed and written notice of the findings shall be provided to 28311
the governing authority of the community school and its sponsor 28312
within ninety days of the end of the community school's fiscal 28313
year, unless extended for a period not to exceed thirty additional 28314

days for one of the following reasons: 28315

(a) The department and the community school mutually agree to 28316
the extension. 28317

(b) Delays in data submission caused by either a community 28318
school or its sponsor. 28319

(2) If the review results in a finding that additional 28320
funding is owed to the school, such payment shall be made within 28321
thirty days of the written notice. If the review results in a 28322
finding that the community school owes moneys to the state, the 28323
following procedure shall apply: 28324

(a) Within ten business days of the receipt of the notice of 28325
findings, the community school may appeal the department's 28326
determination to the state board of education or its designee. 28327

(b) The board or its designee shall conduct an informal 28328
hearing on the matter within thirty days of receipt of such an 28329
appeal and shall issue a decision within fifteen days of the 28330
conclusion of the hearing. 28331

(c) If the board has enlisted a designee to conduct the 28332
hearing, the designee shall certify its decision to the board. The 28333
board may accept the decision of the designee or may reject the 28334
decision of the designee and issue its own decision on the matter. 28335

(d) Any decision made by the board under this division is 28336
final. 28337

(3) If it is decided that the community school owes moneys to 28338
the state, the department shall deduct such amount from the 28339
school's future payments in accordance with guidelines issued by 28340
the superintendent of public instruction. 28341

(L) The department shall not ~~subtract from a school~~ 28342
~~district's state aid account and shall not~~ pay to a community 28343
school under division (C) of this section and section 3314.089 of 28344

<u>the Revised Code</u> any amount for any of the following:	28345
(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;	28346 28347
(2) Any student who is not a resident of the state;	28348
(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.	28349 28350 28351 28352 28353 28354 28355 28356 28357 28358 28359
(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section <u>and section 3314.089 of the Revised Code</u> any amount for that veteran.	28360 28361 28362 28363 28364 28365 28366 28367 28368 28369 28370 28371
Sec. 3314.084. (A) As used in this section:	28372
(1) "Formula ADM" has the same meaning as in section 3317.03 of the Revised Code.	28373 28374

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 28375
28376

(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 28377
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(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 28381
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(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child. 28385
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(2) For purposes of the report required under division (B)(2) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 28393
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28395

(3) The child's school district of residence shall count the child in that district's formula ADM. 28396
28397

(4) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 28398
28399
28400

~~(5) The department of education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home that the child is living in is located.~~ 28401
28402
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28405

~~(6)~~ The department shall make the payments prescribed in 28406
division (C) of section 3314.08 of the Revised Code, as 28407
applicable, to the community school. 28408

Sec. 3314.085. (A) As used in this section: 28409

(1) "Average teacher cost" for a fiscal year has the same 28410
meaning as in section 3317.011 of the Revised Code. 28411

(2) "Base cost enrolled ADM" has the same meaning as in 28412
section 3317.02 of the Revised Code. 28413

(3) "Eligible community school" means a community school that 28414
satisfies one of the following: 28415

(a) The school is a member of an organization that regulates 28416
interscholastic athletics. 28417

(b) The school has teams in at least three different sports 28418
that participate in an interscholastic league. 28419

(B) When calculating a community school's aggregate base cost 28420
under this section, the department shall use data from fiscal year 28421
2018 for the average teacher cost. 28422

(C) A community school's aggregate base cost for a fiscal 28423
year shall be equal to the following sum: 28424

(The school's teacher base cost for that fiscal year computed 28425
under division (D) of this section) + (the school's student 28426
support base cost for that fiscal year computed under division (E) 28427
of this section) + (the school's leadership and accountability 28428
base cost for that fiscal year computed under division (F) of this 28429
section) + (the school's building leadership and operations base 28430
cost for that fiscal year computed under division (G) of this 28431
section) + (the school's athletic co-curricular activities base 28432
cost for that fiscal year computed under division (H) of this 28433
section, if the school is an eligible community school) 28434

(D) The department of education shall compute a community 28435

<u>school's teacher base cost for a fiscal year as follows:</u>	28436
<u>(1) Calculate the school's classroom teacher cost for that fiscal year as follows:</u>	28437
<u>(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	28438
<u>(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	28439
<u>(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	28440
<u>(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;</u>	28441
<u>(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;</u>	28442
<u>(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;</u>	28443
<u>(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;</u>	28444
<u>(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	28445
<u>(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	28446
<u>(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	28447
<u>(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	28448
<u>(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	28449
<u>(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	28450
<u>(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	28451
<u>(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	28452
<u>(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	28453
<u>(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	28454
<u>(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;</u>	28455
<u>(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;</u>	28456
<u>(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;</u>	28457
<u>(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;</u>	28458
<u>(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;</u>	28459
<u>(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;</u>	28460
<u>(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;</u>	28461
<u>(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.</u>	28462
<u>(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.</u>	28463
<u>(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.</u>	28464
<u>(2) Calculate the school's special teacher cost for that</u>	28465

<u>fiscal year as follows:</u>	28466
<u>(a) Divide the number of students enrolled in the school for that fiscal year by 150;</u>	28467
	28468
<u>(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.</u>	28469
	28470
	28471
<u>(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:</u>	28472
	28473
<u>(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>	28474
	28475
<u>(b) Compute the substitute teacher cost in accordance with the following formula:</u>	28476
	28477
<u>(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5</u>	28478
	28479
	28480
<u>(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:</u>	28481
	28482
<u>(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4</u>	28483
	28484
	28485
	28486
<u>(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.</u>	28487
	28488
	28489
<u>(E) The department shall compute a community school's student support base cost for a fiscal year as follows:</u>	28490
	28491
<u>The number of students enrolled in the school for that fiscal year X [(the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section 3317.011 of the</u>	28492
	28493
	28494
	28495

Revised Code) / the sum of the base cost enrolled ADMs of all of 28496
the city, local, and exempted village school districts in the 28497
state for that fiscal year] 28498

(F) The department shall compute a community school's 28499
leadership and accountability base cost for a fiscal year as 28500
follows: 28501

The number of students enrolled in the school for that fiscal year 28502

X (the sum of the leadership and accountability base cost 28503
calculated for all city, local, and exempted village school 28504
districts in the state for that fiscal year under division (F) of 28505
section 3317.011 of the Revised Code / the sum of the base cost 28506
enrolled ADMs of all of the city, local, and exempted village 28507
school districts in the state for that fiscal year) 28508

(G) The department shall compute a community school's 28509
building leadership and operations base cost for a fiscal year as 28510
follows: 28511

The number of students enrolled in the school for that fiscal year 28512

X (the sum of the building leadership and accountability base cost 28513
calculated for all city, local, and exempted village school 28514
districts in the state for that fiscal year under division (G) of 28515
section 3317.011 of the Revised Code / the sum of the base cost 28516
enrolled ADMs of all of the city, local, and exempted village 28517
school districts in the state for that fiscal year) 28518

(H) If a community school is an eligible community school, 28519
the department shall compute the school's athletic co-curricular 28520
activities base cost for a fiscal year as follows: 28521

The number of students enrolled in the school for that fiscal year 28522

X (the sum of the athletic co-curricular activities base cost 28523
calculated for all city, local, and exempted village school 28524
districts in the state for that fiscal year under division (H) of 28525
section 3317.011 of the Revised Code / the sum of the base cost 28526
enrolled ADMs of all of the city, local, and exempted village 28527

<u>school districts in the state for that fiscal year)</u>	28528
Sec. 3314.087. (A) As used in this section:	28529
(1) "Career-technical program" means career-technical programs or classes described in division (A) <u>(1)</u> , (B) <u>(2)</u> , (C) <u>(3)</u> , (D) <u>(4)</u> , or (E) <u>(5)</u> of section 3317.014 of the Revised Code in which a student is enrolled.	28530 28531 28532 28533
(2) " Formula ADM, " " category <u>Category</u> one through five career-technical education ADM 7 " and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.	28534 28535 28536
(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	28537 28538 28539 28540
(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the career-technical planning district to which the student's resident district belongs. On an FTE basis, the student's resident school district shall count the student in the category one through five career-technical education ADM for the proportion of the time the student is enrolled in a career-technical program of the career-technical planning district to which the student's resident district belongs and, accordingly, the department of education shall calculate funds under Chapter 3317. for the resident district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school and deduct from the student's	28541 28542 28543 28544 28545 28546 28547 28548 28549 28550 28551 28552 28553 28554 28555 28556 28557 28558

~~resident school district~~ the amount computed for the student under 28559
section 3314.08 of the Revised Code in proportion to the fraction 28560
of the time on an FTE basis that the student attends classes at 28561
the community school. "Full-time equivalency" for a community 28562
school student, as defined in division (H) of section 3314.08 of 28563
the Revised Code, does not apply to the student. 28564

Sec. 3314.089. (A) For each student enrolled in a community 28565
school established under this chapter, including an internet- or 28566
computer-based community school, and reported under division 28567
(B)(2) of section 3314.08 of the Revised Code, on a full-time 28568
equivalency basis, the department of education shall calculate 28569
career-technical education funds as follows: 28570

(1) If the student is a category one career-technical 28571
education student, the multiple specified in division (A)(1) of 28572
section 3317.014 of the Revised Code X the statewide average 28573
career-technical base cost per pupil for that fiscal year; 28574

(2) If the student is a category two career-technical 28575
education student, the multiple specified in division (A)(2) of 28576
section 3317.014 of the Revised Code X the statewide average 28577
career-technical base cost per pupil for that fiscal year; 28578

(3) If the student is a category three career-technical 28579
education student, the multiple specified in division (A)(3) of 28580
section 3317.014 of the Revised Code X the statewide average 28581
career-technical base cost per pupil for that fiscal year; 28582

(4) If the student is a category four career-technical 28583
education student, the multiple specified in division (A)(4) of 28584
section 3317.014 of the Revised Code X the statewide average 28585
career-technical base cost per pupil for that fiscal year; 28586

(5) If the student is a category five career-technical 28587
education student, the multiple specified in division (A)(5) of 28588

section 3317.014 of the Revised Code X the statewide average 28589
career-technical base cost per pupil for that fiscal year. 28590

Payment of funds calculated under division (A) of this 28591
section is subject to approval by the lead district of a 28592
career-technical planning district or the department of education 28593
under section 3317.161 of the Revised Code. 28594

(B) Subject to division (I) of section 3317.023 of the 28595
Revised Code, the department of education shall calculate 28596
career-technical associated services funds for each community 28597
school as follows: 28598

The multiple for career-technical education associated services 28599
specified under division (B) of section 3317.014 of the Revised 28600
Code X the statewide average career-technical base cost per pupil 28601
for that fiscal year X the number of the school's students 28602
enrolled in career-technical education 28603

(C) Subject to division (I) of section 3317.023 of the 28604
Revised Code, the department shall pay career awareness and 28605
exploration funds to each community school as follows: 28606

The number of students enrolled in the community school X \$2.50, 28607
for fiscal year 2022, \$5, for fiscal year 2023, \$7.50, for fiscal 28608
year 2024, or \$10, for fiscal year 2025 and each fiscal year 28609
thereafter 28610

(D) The department shall annually calculate for each 28611
community school, including each internet- or computer-based 28612
community school, an amount equal to the following: 28613

(The number of students reported by the community school under 28614
division (B)(2)(e) of section 3314.08 of the Revised Code X the 28615
school's base cost per pupil as specified under division (C)(1)(a) 28616
of section 3314.08 of the Revised Code X .20) 28617

(E) In any fiscal year, a community school receiving funds 28618
calculated under division (A) of this section shall spend those 28619

funds only for the purposes that the department designates as 28620
approved for career-technical education expenses. Career-technical 28621
education expenses approved by the department shall include only 28622
expenses connected to the delivery of career-technical programming 28623
to career-technical students. The department shall require the 28624
school to report data annually so that the department may monitor 28625
the school's compliance with the requirements regarding the manner 28626
in which funding received under division (A) of this section may 28627
be spent. 28628

(F) Notwithstanding anything to the contrary in section 28629
3313.90 of the Revised Code, except as provided in division (G) of 28630
this section, all funds received under division (A) of this 28631
section shall be spent in the following manner: 28632

(1) At least seventy-five per cent of the funds shall be 28633
spent on curriculum development, purchase, and implementation; 28634
instructional resources and supplies; industry-based program 28635
certification; student assessment, credentialing, and placement; 28636
curriculum specific equipment purchases and leases; 28637
career-technical student organization fees and expenses; home and 28638
agency linkages; work-based learning experiences; professional 28639
development; and other costs directly associated with 28640
career-technical education programs including development of new 28641
programs. 28642

(2) Not more than twenty-five per cent of the funds shall be 28643
used for personnel expenditures. 28644

(G) The department may waive the requirements in division (F) 28645
of this section for any community school that exclusively provides 28646
one or more career-technical workforce development programs in 28647
arts and communications that are not equipment-intensive, as 28648
determined by the department. 28649

(H) In any fiscal year, a community school receiving funds 28650

under division (H) of section 3317.014 of the Revised Code shall 28651
spend those funds only on the following purposes: 28652

(1) Delivery of career awareness programs to students 28653
enrolled in grades kindergarten through twelve; 28654

(2) Provision of a common, consistent curriculum to students 28655
throughout their primary and secondary education; 28656

(3) Assistance to teachers in providing a career development 28657
curriculum to students; 28658

(4) Development of a career development plan for each student 28659
that stays with that student for the duration of the student's 28660
primary and secondary education; 28661

(5) Provision of opportunities for students to engage in 28662
activities, such as career fairs, hands-on experiences, and job 28663
shadowing, across all career pathways at each grade level. 28664

The department may deny payment under division (C) of this 28665
section to any school that the department determines is using 28666
funds paid under division (H) of section 3317.014 of the Revised 28667
Code for other purposes. 28668

Sec. 3314.0810. For each fiscal year, the department of 28669
education shall calculate for each community school established 28670
under this chapter an amount equal to the lesser of the following: 28671

(A) The following sum: 28672

The school's funding base + [(the sum of the per pupil amounts 28673
calculated for the school for that fiscal year under division 28674
(C)(1) of section 3314.08 of the Revised Code + the sum of the per 28675
pupil amounts calculated for the school for that fiscal year under 28676
division (A) of section 3314.089 of the Revised Code + the amount 28677
calculated for the school for that fiscal year under divisions (B) 28678
and (D) of section 3314.089 of the Revised Code) - the school's 28679
funding base] X the school's general phase-in percentage for that 28680

<u>fiscal year}</u>	28681
<u>(B) The following sum:</u>	28682
<u>The sum of the per pupil amounts calculated for the school for</u>	28683
<u>that fiscal year under division (C)(1) of section 3314.08 of the</u>	28684
<u>Revised Code + the sum of the per pupil amounts calculated for the</u>	28685
<u>school for that fiscal year under division (A) of section 3314.089</u>	28686
<u>of the Revised Code + the amount calculated for the school for</u>	28687
<u>that fiscal year under divisions (B) and (D) of section 3314.089</u>	28688
<u>of the Revised Code</u>	28689
Sec. 3314.091. (A) A school district is not required to	28690
provide transportation for any native student enrolled in a	28691
community school if the district board of education has entered	28692
into an agreement with the community school's governing authority	28693
that designates the community school as responsible for providing	28694
or arranging for the transportation of the district's native	28695
students to and from the community school. For any such agreement	28696
to be effective, it must be certified by the superintendent of	28697
public instruction as having met all of the following	28698
requirements:	28699
(1) It is submitted to the department of education by a	28700
deadline which shall be established by the department.	28701
(2) In accordance with divisions (C)(1) and (2) of this	28702
section, it specifies qualifications, such as residing a minimum	28703
distance from the school, for students to have their	28704
transportation provided or arranged.	28705
(3) The transportation provided by the community school is	28706
subject to all provisions of the Revised Code and all rules	28707
adopted under the Revised Code pertaining to pupil transportation.	28708
(4) The sponsor of the community school also has signed the	28709
agreement.	28710

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the ~~thirty-first~~ first day of ~~January of the previous school year~~ August, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this section, the governing authority shall not accept that responsibility again unless the district board consents to the governing authority's acceptance of that responsibility.

(3) A governing authority's acceptance of responsibility 28744
under division (B)(1) or (2) of this section shall cover an entire 28745
school year, and shall remain in effect for subsequent school 28746
years unless the governing authority submits written notification 28747
to the district board that the governing authority is 28748
relinquishing the responsibility. However, a governing authority 28749
shall not relinquish responsibility for transportation before the 28750
end of a school year, and shall submit the notice relinquishing 28751
responsibility by the thirty-first day of January, in order to 28752
allow the school district reasonable time to prepare 28753
transportation for its native students enrolled in the school. 28754

(4)(a) For any school year that begins on or after July 1, 28755
2014, a school district is not required to provide transportation 28756
for any native student enrolled in a community school scheduled to 28757
open for operation in the current school year, if the governing 28758
authority of the community school, by the fifteenth day of April 28759
of the previous school year, submits written notification to the 28760
district board of education stating that the governing authority 28761
is accepting responsibility for providing or arranging for the 28762
transportation of the district's native students to and from the 28763
community school. 28764

(b) The governing authority of a community school that 28765
accepts responsibility for transporting its students under 28766
division (B)(4)(a) of this section shall comply with divisions 28767
(B)(2) and (3) of this section to renew or relinquish that 28768
authority for subsequent school years. 28769

(C)(1) A community school governing authority that enters 28770
into an agreement under division (A) of this section, or that 28771
accepts responsibility under division (B) of this section, shall 28772
provide or arrange transportation free of any charge for each of 28773
its enrolled students who is required to be transported under 28774
section 3327.01 of the Revised Code. The governing authority shall 28775

report to the department of education the number of students 28776
transported or for whom transportation is arranged under this 28777
section in accordance with rules adopted by the state board of 28778
education. 28779

(2) The governing authority may provide or arrange 28780
transportation for any other enrolled student who is not eligible 28781
for transportation in accordance with division (C)(1) of this 28782
section and may charge a fee for such service up to the actual 28783
cost of the service. 28784

(3) Notwithstanding anything to the contrary in division 28785
(C)(1) or (2) of this section, a community school governing 28786
authority shall provide or arrange transportation free of any 28787
charge for any disabled student enrolled in the school for whom 28788
the student's individualized education program developed under 28789
Chapter 3323. of the Revised Code specifies transportation. 28790

(D)(1) If a school district board and a community school 28791
governing authority elect to enter into an agreement under 28792
division (A) of this section, the department of education shall 28793
make payments to the community school according to the terms of 28794
the agreement for each student actually transported under division 28795
(C)(1) of this section. 28796

If a community school governing authority accepts 28797
transportation responsibility under division (B) of this section, 28798
the department shall make payments to the community school for 28799
each student actually transported or for whom transportation is 28800
arranged by the community school under division (C)(1) of this 28801
section, calculated as follows: 28802

(a) For any fiscal year which the general assembly has 28803
specified that transportation payments to school districts be 28804
based on an across-the-board percentage of the district's payment 28805
for the previous school year, the per pupil payment to the 28806

community school shall be the following quotient: 28807

(i) The total amount calculated for the school district in 28808
which the child is entitled to attend school for student 28809
transportation other than transportation of children with 28810
disabilities; divided by 28811

(ii) The number of students included in the district's 28812
transportation ADM for the current fiscal year, as calculated 28813
under section 3317.03 of the Revised Code, plus the number of 28814
students enrolled in the community school not counted in the 28815
district's transportation ADM who are transported under division 28816
(B)(1) or (2) of this section. 28817

(b) For any fiscal year which the general assembly has 28818
specified that the transportation payments to school districts be 28819
calculated in accordance with section 3317.0212 of the Revised 28820
Code and any rules of the state board of education implementing 28821
that section, the payment to the community school shall be the 28822
~~amount so calculated on a per rider basis that otherwise would be~~ 28823
~~paid to the school district in which the student is entitled to~~ 28824
~~attend school by the method of transportation the district would~~ 28825
~~have used either of the following:~~ 28826

(i) If the school district in which the student is entitled 28827
to attend school would have used a method of transportation for 28828
the student for which payments are computed and paid under 28829
division (E) of section 3317.0212 of the Revised Code, 1.0 times 28830
the statewide transportation cost per student, as calculated in 28831
division (C) of section 3317.0212 of the Revised Code; 28832

(ii) If the school district in which the student is entitled 28833
to attend school would have used a method of transportation for 28834
the student for which payments are computed and paid in a manner 28835
not described in division (D)(1)(b)(i) of this section, the amount 28836
that would otherwise be computed for and paid to the district. The 28837

The community school, however, is not required to use the same method to transport that student. 28838
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~~(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.~~ 28840
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As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 28848
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~~(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.~~ 28851
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~~(3)~~ A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and 28862
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manner required by the department, data on the number of students 28870
transported or whose transportation is arranged, the number of 28871
miles traveled, cost to transport, and any other information 28872
requested by the department. 28873

~~(4)~~(3) A community school shall use payments received under 28874
this section solely to pay the costs of providing or arranging for 28875
the transportation of students who are eligible as specified in 28876
section 3327.01 of the Revised Code and division (C)(1) of this 28877
section, which may include payments to a parent, guardian, or 28878
other person in charge of a child in lieu of transportation. 28879

(E) Except when arranged through payment to a parent, 28880
guardian, or person in charge of a child, transportation provided 28881
or arranged for by a community school pursuant to an agreement 28882
under this section is subject to all provisions of the Revised 28883
Code, and all rules adopted under the Revised Code, pertaining to 28884
the construction, design, equipment, and operation of school buses 28885
and other vehicles transporting students to and from school. The 28886
drivers and mechanics of the vehicles are subject to all 28887
provisions of the Revised Code, and all rules adopted under the 28888
Revised Code, pertaining to drivers and mechanics of such 28889
vehicles. The community school also shall comply with sections 28890
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 28891
of section 3327.16 of the Revised Code and, subject to division 28892
(C)(1) of this section, sections 3327.01 and 3327.02 of the 28893
Revised Code, as if it were a school district. 28894

Sec. 3314.101. (A) As used in this section, "license" has the 28895
same meaning as in section 3319.31 of the Revised Code. 28896

(B) If a person who is employed by a community school 28897
established under this chapter or by an operator is arrested, 28898
summoned, or indicted for an alleged violation of an offense 28899
listed in division (C) of section 3319.31 of the Revised Code, if 28900

the person holds a license, or an offense listed in division 28901
(B)(1) of section 3319.39 of the Revised Code, if the person does 28902
not hold a license, the chief administrator of the community 28903
school in which that person works shall suspend that person from 28904
all duties that require the care, custody, or control of a child 28905
during the pendency of the criminal action against the person. If 28906
the person who is arrested, summoned, or indicted for an alleged 28907
violation of an offense listed in division (C) of section 3319.31 28908
or division (B)(1) of section 3319.39 of the Revised Code is the 28909
chief administrator of the community school, the governing 28910
authority of the school shall suspend the chief administrator from 28911
all duties that require the care, custody, or control of a child. 28912

(C) When a person who holds a license is suspended in 28913
accordance with this section, the chief administrator or governing 28914
authority that imposed the suspension promptly shall report the 28915
person's suspension to the department of education. The report 28916
shall include the offense for which the person was arrested, 28917
summoned, or indicted. The superintendent of public instruction, 28918
on behalf of the state board of education, shall inactivate the 28919
person's license. The inactivation shall remain in force during 28920
the pendency of the criminal action against the person. The 28921
inactivation of a license under this division does not constitute 28922
a suspension or revocation of the license by the state board under 28923
section 3319.31 of the Revised Code, and the state board and the 28924
state superintendent need not provide the person with an 28925
opportunity for a hearing with respect to the inactivation. If the 28926
state board does not take action against the person's license 28927
under section 3319.31 of the Revised Code, the state 28928
superintendent shall reactivate the license upon conclusion of the 28929
criminal action against the person. 28930

Sec. 3314.11. (A) The governing authority of each community 28931
school established under this chapter monthly shall review the 28932

residency records of students enrolled in that community school. 28933
Upon the enrollment of each student and on an annual basis, the 28934
governing authority shall verify to the department of education 28935
the school district in which the student is entitled to attend 28936
school under section 3313.64 or 3313.65 of the Revised Code. 28937

The school district may review the determination made by the 28938
community school under division (A) of this section. 28939

(B)(1) For purposes of its initial reporting of the school 28940
districts in which its students are entitled to attend school, the 28941
governing authority of a community school shall adopt a policy 28942
that prescribes the number of documents listed in division (E) of 28943
this section required to verify a student's residency. This policy 28944
shall supersede any policy concerning the number of documents for 28945
initial residency verification adopted by the district the student 28946
is entitled to attend. 28947

(2) For purposes of the annual reporting of the school 28948
districts in which its students are entitled to attend school, the 28949
governing authority of a community school shall adopt a policy 28950
that prescribes the information required to verify a student's 28951
residency. This information may be obtained through any type of 28952
document, including any of the documents listed in division (E) of 28953
this section, or any type of communication with a government 28954
official authorized to provide such information. 28955

(C) For purposes of making the determinations required under 28956
this section, the school district in which a parent or child 28957
resides is the location the parent or student has established as 28958
the primary residence and where substantial family activity takes 28959
place. 28960

(D) If a community school's determination under division (A) 28961
of this section of the school district a student is entitled to 28962
attend under section 3313.64 or 3313.65 of the Revised Code 28963

differs from a district's determination, the community school that 28964
made the determination under division (A) of this section shall 28965
provide the school district with documentation of the student's 28966
residency and shall make a good faith effort to accurately 28967
identify the correct residence of the student. 28968

(E) For purposes of this section, the following documents may 28969
serve as evidence of primary residence: 28970

(1) A deed, mortgage, lease, current home owner's or renter's 28971
insurance declaration page, or current real property tax bill; 28972

(2) A utility bill or receipt of utility installation issued 28973
within ninety days of enrollment; 28974

(3) A paycheck or paystub issued to the parent or student 28975
within ninety days of the date of enrollment that includes the 28976
address of the parent's or student's primary residence; 28977

(4) The most current available bank statement issued to the 28978
parent or student that includes the address of the parent's or 28979
student's primary residence; 28980

(5) Any other official document issued to the parent or 28981
student that includes the address of the parent's or student's 28982
primary residence. The superintendent of public instruction shall 28983
develop guidelines for determining what qualifies as an "official 28984
document" under this division. 28985

(F) When a student loses permanent housing and becomes a 28986
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 28987
child who is such a homeless child or youth changes temporary 28988
living arrangements, the district in which the student is entitled 28989
to attend school shall be determined in accordance with division 28990
(F)(13) of section 3313.64 of the Revised Code and the 28991
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 28992

(G) In the event of a disagreement as to which school 28993

district a student is entitled to attend, the community school, 28994
after complying with division (D) of this section, but not more 28995
than sixty days after the monthly deadline established by the 28996
department of education for reporting of community school 28997
enrollment, may present the matter to the superintendent of public 28998
instruction. Not later than thirty days after the community school 28999
presents the matter, the state superintendent, or the state 29000
superintendent's designee, shall determine which district the 29001
student is entitled to attend and shall direct any necessary 29002
adjustments to payments ~~and deductions~~ under section 3314.08 of 29003
the Revised Code based on that determination. 29004

Sec. 3314.20. (A) As used in this section: 29005

(1) "Base enrollment" for an internet- or computer-based 29006
community school means either of the following: 29007

(a) If the school was open for instruction on the effective 29008
date of this section, the number of students enrolled in the 29009
school at the end of the 2012-2013 school year; 29010

(b) If the school opens for instruction after the effective 29011
date of this section, one thousand students. 29012

(2) "Enrollment limit" for an internet- or computer-based 29013
community school means the following: 29014

(a) For the 2014-2015 school year, the base enrollment 29015
increased by the prescribed annual rate of growth, as calculated 29016
by the department of education. 29017

(b) For the 2015-2016 school year and each school year 29018
thereafter, the previous school year's enrollment limit increased 29019
by the prescribed annual rate of growth, as calculated by the 29020
department. 29021

(3) "Prescribed annual rate of growth" for an internet- or 29022
computer-based community school means either of the following: 29023

(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent. 29024
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(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent. 29026
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(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit. 29028
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(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department. ~~The department shall distribute the deducted amounts to the school districts to which the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Such amounts shall be distributed on a pro rata basis according to each district's share of the total enrollment in the community school.~~ 29031
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Sec. 3314.355. No community school shall be subject to closure under section 3314.35 or 3314.351 of the Revised Code based on any report card issued for that school for the 2019-2020, 2020-2021, or 2021-2022 school years. Furthermore, the report card ratings of any previous years shall not be considered in determining whether a community school is subject to automatic closure under section 3314.35 or 3314.351 of the Revised Code. Accordingly, the 2022-2023 school year shall begin a new starting point for automatic closure of community schools under either of those sections. 29043
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Sec. 3315.18. (A) The board of education of each city, 29053

exempted village, local, and joint vocational school district 29054
shall establish a capital and maintenance fund. Each board 29055
annually shall deposit into that fund an amount derived from 29056
revenues received by the district that would otherwise have been 29057
deposited in the general fund that is equal to three per cent of 29058
the ~~formula amount~~ statewide average base cost per pupil for the 29059
preceding fiscal year, as defined in section 3317.02 of the 29060
Revised Code, or another percentage if established by the auditor 29061
of state under division (B) of this section, multiplied by the 29062
district's student population for the preceding fiscal year, 29063
except that money received from a permanent improvement levy 29064
authorized by section 5705.21 of the Revised Code may replace 29065
general revenue moneys in meeting the requirements of this 29066
section. Money in the fund shall be used solely for acquisition, 29067
replacement, enhancement, maintenance, or repair of permanent 29068
improvements, as that term is defined in section 5705.01 of the 29069
Revised Code. Any money in the fund that is not used in any fiscal 29070
year shall carry forward to the next fiscal year. 29071

(B) The state superintendent of public instruction and the 29072
auditor of state jointly shall adopt rules in accordance with 29073
Chapter 119. of the Revised Code defining what constitutes 29074
expenditures permitted by division (A) of this section. The 29075
auditor of state may designate a percentage, other than three per 29076
cent, of the ~~formula amount~~ statewide average base cost per pupil 29077
multiplied by the district's student population that must be 29078
deposited into the fund. 29079

(C) Within its capital and maintenance fund, a school 29080
district board of education may establish a separate account 29081
solely for the purpose of depositing funds transferred from the 29082
district's reserve balance account established under former 29083
division (H) of section 5705.29 of the Revised Code. After April 29084
10, 2001, a board may deposit all or part of the funds formerly 29085

included in such reserve balance account in the separate account 29086
established under this section. Funds deposited in this separate 29087
account and interest on such funds shall be utilized solely for 29088
the purpose of providing the district's portion of the basic 29089
project costs of any project undertaken in accordance with Chapter 29090
3318. of the Revised Code. 29091

(D)(1) Notwithstanding division (A) of this section, in any 29092
year a district is in fiscal emergency status as declared pursuant 29093
to section 3316.03 of the Revised Code, the district may deposit 29094
an amount less than required by division (A) of this section, or 29095
make no deposit, into the district capital and maintenance fund 29096
for that year. 29097

(2) Notwithstanding division (A) of this section, in any 29098
fiscal year that a school district is either in fiscal watch 29099
status, as declared pursuant to section 3316.03 of the Revised 29100
Code, or in fiscal caution status, as declared pursuant to section 29101
3316.031 of the Revised Code, the district may apply to the 29102
superintendent of public instruction for a waiver from the 29103
requirements of division (A) of this section, under which the 29104
district may be permitted to deposit an amount less than required 29105
by that division or permitted to make no deposit into the district 29106
capital and maintenance fund for that year. The superintendent may 29107
grant a waiver under division (D)(2) of this section if the 29108
district demonstrates to the satisfaction of the superintendent 29109
that compliance with division (A) of this section that year will 29110
create an undue financial hardship on the district. 29111

(3) Notwithstanding division (A) of this section, not more 29112
often than one fiscal year in every three consecutive fiscal 29113
years, any school district that does not satisfy the conditions 29114
for the exemption described in division (D)(1) of this section or 29115
the conditions to apply for the waiver described in division 29116
(D)(2) of this section may apply to the superintendent of public 29117

instruction for a waiver from the requirements of division (A) of 29118
this section, under which the district may be permitted to deposit 29119
an amount less than required by that division or permitted to make 29120
no deposit into the district capital and maintenance fund for that 29121
year. The superintendent may grant a waiver under division (D)(3) 29122
of this section if the district demonstrates to the satisfaction 29123
of the superintendent that compliance with division (A) of this 29124
section that year will necessitate the reduction or elimination of 29125
a program currently offered by the district that is critical to 29126
the academic success of students of the district and that no 29127
reasonable alternatives exist for spending reductions in other 29128
areas of operation within the district that negate the necessity 29129
of the reduction or elimination of that program. 29130

(E) Notwithstanding any provision to the contrary in Chapter 29131
4117. of the Revised Code, the requirements of this section 29132
prevail over any conflicting provisions of agreements between 29133
employee organizations and public employers entered into after 29134
November 21, 1997. 29135

(F) As used in this section, "student population" means the 29136
average, daily, full-time equivalent number of students in 29137
kindergarten through twelfth grade receiving any educational 29138
services from the school district during the first full school 29139
week in October, excluding students enrolled in adult education 29140
classes, but including all of the following: 29141

(1) Adjacent or other district students enrolled in the 29142
district under an open enrollment policy pursuant to section 29143
3313.98 of the Revised Code; 29144

(2) Students receiving services in the district pursuant to a 29145
compact, cooperative education agreement, or a contract, but who 29146
are entitled to attend school in another district pursuant to 29147
section 3313.64 or 3313.65 of the Revised Code; 29148

(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code. 29149
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The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year. 29151
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Sec. 3317.011. (A) As used in this section: 29154

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000 for the most recent fiscal year for which data is available, as determined by the department of education. 29155
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(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000 for the most recent fiscal year for which data is available, as determined by the department. 29161
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(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000 for the most recent fiscal year for which data is available, as determined by the department. 29167
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(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department. 29172
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(5) "Average education management information system support employee salary" means the average salary of accounting employees 29177
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employed by city, local, and exempted village school districts in 29179
this state with salaries greater than \$30,000 but less than 29180
\$90,000 for the most recent fiscal year for which data is 29181
available, as determined by the department. 29182

(6) "Average librarian and media staff salary" means the 29183
average salary of librarians and media staff employed by city, 29184
local, and exempted village school districts in this state with 29185
salaries greater than \$30,000 but less than \$95,000 for the most 29186
recent fiscal year for which data is available, as determined by 29187
the department. 29188

(7) "Average other district administrator salary" means the 29189
average salary of all assistant superintendents and directors 29190
employed by city, local, and exempted village school districts in 29191
this state with salaries greater than \$50,000 but less than 29192
\$135,000 for the most recent fiscal year for which data is 29193
available, as determined by the department. 29194

(8) "Average principal salary" means the average salary of 29195
all principals employed by city, local, and exempted village 29196
school districts in this state with salaries greater than \$50,000 29197
but less than \$120,000 for the most recent fiscal year for which 29198
data is available, as determined by the department. 29199

(9) "Average superintendent salary" means the average salary 29200
of all superintendents employed by city, local, and exempted 29201
village school districts in this state with salaries greater than 29202
\$60,000 but less than \$180,000 for the most recent fiscal year for 29203
which data is available, as determined by the department. 29204

(10) "Average teacher cost" for a fiscal year is equal to the 29205
sum of the following: 29206

(a) The average salary of teachers employed by city, local, 29207
and exempted village school districts in this state with salaries 29208
greater than \$30,000 but less than \$95,000 for the most recent 29209

<u>fiscal year for which data is available, as determined by the</u>	29210
<u>department;</u>	29211
<u>(b) An amount for teacher benefits equal to 0.16 times the</u>	29212
<u>average salary calculated under division (A)(10)(a) of this</u>	29213
<u>section;</u>	29214
<u>(c) An amount for district-paid insurance costs equal to the</u>	29215
<u>following product:</u>	29216
<u>The statewide weighted average employer-paid monthly premium based</u>	29217
<u>on data reported by city, local, and exempted village school</u>	29218
<u>districts to the state employment relations board for the health</u>	29219
<u>insurance survey conducted in accordance with divisions (K)(5) and</u>	29220
<u>(6) of section 4117.02 of the Revised Code for the most recent</u>	29221
<u>fiscal year for which data is available X 12</u>	29222
<u>(11) "Eligible school district" means a city, local, or</u>	29223
<u>exempted village school district that satisfies one of the</u>	29224
<u>following:</u>	29225
<u>(a) The district is a member of an organization that</u>	29226
<u>regulates interscholastic athletics.</u>	29227
<u>(b) The district has teams in at least three different sports</u>	29228
<u>that participate in an interscholastic league.</u>	29229
<u>(B) When calculating a district's aggregate base cost under</u>	29230
<u>this section, the department shall use data from fiscal year 2018</u>	29231
<u>for all of the following:</u>	29232
<u>(1) The average salaries determined under divisions (A)(1),</u>	29233
<u>(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this</u>	29234
<u>section;</u>	29235
<u>(2) The amount for teacher benefits determined under division</u>	29236
<u>(A)(10)(b) of this section;</u>	29237
<u>(3) The district-paid insurance costs determined under</u>	29238
<u>division (A)(10)(c) of this section;</u>	29239

<u>(4) The spending determined under divisions (E)(4)(a),</u>	29240
<u>(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the</u>	29241
<u>corresponding student counts determined under divisions (E)(4)(b),</u>	29242
<u>(E)(5)(b), (E)(6)(b), and (H)(2) of this section;</u>	29243
<u>(5) The information determined under division (G)(3) of this</u>	29244
<u>section.</u>	29245
<u>(C) A city, local, or exempted village school district's</u>	29246
<u>aggregate base cost for a fiscal year shall be equal to the</u>	29247
<u>following sum:</u>	29248
<u>(The district's teacher base cost for that fiscal year computed</u>	29249
<u>under division (D) of this section) + (the district's student</u>	29250
<u>support base cost for that fiscal year computed under division (E)</u>	29251
<u>of this section) + (the district's leadership and accountability</u>	29252
<u>base cost for that fiscal year computed under division (F) of this</u>	29253
<u>section) + (the district's building leadership and operations base</u>	29254
<u>cost for that fiscal year computed under division (G) of this</u>	29255
<u>section) + (the athletic co-curricular activities base cost for</u>	29256
<u>that fiscal year computed under division (H) of this section, if</u>	29257
<u>the district is an eligible school district)</u>	29258
<u>(D) The department of education shall compute a district's</u>	29259
<u>teacher base cost for a fiscal year as follows:</u>	29260
<u>(1) Calculate the district's classroom teacher cost for that</u>	29261
<u>fiscal year as follows:</u>	29262
<u>(a) Determine the full-time equivalency of students in the</u>	29263
<u>district's base cost enrolled ADM for that fiscal year that are</u>	29264
<u>enrolled in kindergarten and divide that number by 20;</u>	29265
<u>(b) Determine the full-time equivalency of students in the</u>	29266
<u>district's base cost enrolled ADM for that fiscal year that are</u>	29267
<u>enrolled in grades one through three and divide that number by 23;</u>	29268
<u>(c) Determine the full-time equivalency of students in the</u>	29269
<u>district's base cost enrolled ADM for that fiscal year that are</u>	29270

enrolled in grades four through eight but are not enrolled in a 29271
career-technical education program or class described under 29272
section 3317.014 of the Revised Code and divide that number by 25; 29273

(d) Determine the full-time equivalency of students in the 29274
district's base cost enrolled ADM for that fiscal year that are 29275
enrolled in grades nine through twelve but are not enrolled in a 29276
career-technical education program or class described under 29277
section 3317.014 of the Revised Code and divide that number by 27; 29278

(e) Determine the full-time equivalency of students in the 29279
district's base cost enrolled ADM for that fiscal year that are 29280
enrolled in a career-technical education program or class, as 29281
certified under divisions (B)(11), (12), (13), (14), and (15) of 29282
section 3317.03 of the Revised Code, and divide that number by 18; 29283

(f) Compute the sum of the quotients obtained under divisions 29284
(D)(1)(a), (b), (c), (d), and (e) of this section; 29285

(g) Compute the classroom teacher cost by multiplying the 29286
average teacher cost for that fiscal year by the sum computed 29287
under division (D)(1)(f) of this section. 29288

(2) Calculate the district's special teacher cost for that 29289
fiscal year as follows: 29290

(a) Divide the district's base cost enrolled ADM for that 29291
fiscal year by 150; 29292

(b) If the quotient obtained under division (D)(2)(a) of this 29293
section is greater than 6, the special teacher cost shall be equal 29294
to that quotient multiplied by the average teacher cost for that 29295
fiscal year. 29296

(c) If the quotient obtained under division (D)(2)(a) of this 29297
section is less than or equal to 6, the special teacher cost shall 29298
be equal to 6 multiplied by the average teacher cost for that 29299
fiscal year. 29300

(3) Calculate the district's substitute teacher cost for that 29301
fiscal year in accordance with the following formula: 29302

(a) Compute the substitute teacher daily rate with benefits 29303
by multiplying the substitute teacher daily rate of \$90 by 1.16; 29304

(b) Compute the substitute teacher cost in accordance with 29305
the following formula: 29306

[The sum computed under division (D)(1)(f) of this section + (the 29307
greater of the quotient obtained under division (D)(2)(a) of this 29308
section and 6)] X the amount computed under division (D)(3)(a) of 29309
this section X 5 29310

(4) Calculate the district's professional development cost 29311
for that fiscal year in accordance with the following formula: 29312

[The sum computed under division (D)(1)(f) of this section + (the 29313
greater of the quotient obtained under division (D)(2)(a) of this 29314
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 29315
this section for that fiscal year)/180] X 4 29316

(5) Calculate the district's teacher base cost for that 29317
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 29318
and (4) of this section. 29319

(E) The department shall compute a district's student support 29320
base cost for a fiscal year as follows: 29321

(1) Calculate the district's guidance counselor cost for that 29322
fiscal year as follows: 29323

(a) Determine the number of students in the district's base 29324
cost enrolled ADM for that fiscal year that are enrolled in grades 29325
nine through twelve and divide that number by 360; 29326

(b) Compute the counselor cost in accordance with the 29327
following formula: 29328

(The greater of the quotient obtained under division (E)(1)(a) of 29329
this section and 1) X [(the average counselor salary for that 29330

<u>fiscal year X 1.16) + the amount specified under division</u>	29331
<u>(A)(10)(c) of this section for that fiscal year]</u>	29332
<u>(2) Calculate the district's librarian and media staff cost</u>	29333
<u>for that fiscal year as follows:</u>	29334
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29335
<u>fiscal year by 1,000;</u>	29336
<u>(b) Compute the librarian and media staff cost in accordance</u>	29337
<u>with the following formula:</u>	29338
<u>The quotient obtained under division (E)(2)(a) of this section X</u>	29339
<u>[(the average librarian and media staff salary for that fiscal</u>	29340
<u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>	29341
<u>this section for that fiscal year]</u>	29342
<u>(3) Calculate the district's staffing cost for student</u>	29343
<u>wellness and success for that fiscal year as follows:</u>	29344
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29345
<u>fiscal year by 250;</u>	29346
<u>(b) Compute the staffing cost for student wellness and</u>	29347
<u>success in accordance with the following formula:</u>	29348
<u>(The greater of the quotient obtained under division (E)(3)(a) of</u>	29349
<u>this section and 5) X [(the average counselor salary for that</u>	29350
<u>fiscal year X 1.16) + the amount specified under division</u>	29351
<u>(A)(10)(c) of this section for that fiscal year]</u>	29352
<u>(4) Calculate the district's academic co-curricular</u>	29353
<u>activities cost for that fiscal year as follows:</u>	29354
<u>(a) Determine the total amount of spending for academic</u>	29355
<u>co-curricular activities reported by city, local, and exempted</u>	29356
<u>village school districts to the department for the most recent</u>	29357
<u>fiscal year for which data is available;</u>	29358
<u>(b) Determine the sum of the enrolled ADM of every school</u>	29359
<u>district in the state for the most recent fiscal year for which</u>	29360

<u>the data specified under division (E)(4)(a) of this section is available;</u>	29361
	29362
<u>(c) Compute the academic co-curricular activities cost in accordance with the following formula:</u>	29363
	29364
<u>(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed</u>	29365
	29366
	29367
	29368
<u>(5) Calculate the district's building safety and security cost for that fiscal year as follows:</u>	29369
	29370
<u>(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;</u>	29371
	29372
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	29374
<u>(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E)(5)(a) of this section for the most recent fiscal year for which the data is available;</u>	29375
	29376
	29377
	29378
<u>(c) Compute the building safety and security cost in accordance with the following formula:</u>	29379
	29380
<u>(The amount determined under division (E)(5)(a) of this section / the sum determined under division (E)(5)(a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed</u>	29381
	29382
	29383
	29384
<u>(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:</u>	29385
	29386
<u>(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;</u>	29387
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(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(6)(a) of this section is available; 29392
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29395

(c) Compute the supplies and academic content cost in accordance with the following formula: 29396
29397

(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed 29398
29399
29400
29401

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula: 29402
29403

\$37.50 X the district's base cost enrolled ADM for that fiscal year 29404
29405

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section. 29406
29407
29408

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 29409
29410

(1) Calculate the district's superintendent cost for that fiscal year as follows: 29411
29412

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]. 29413
29414
29415
29416

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 29417
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29419
29420

(i) (The district's base cost enrolled ADM for that fiscal 29421

year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500]; 29422

(ii) (\$80,000 X 1.16) + the amount specified under division 29423
(A)(10)(c) of this section for that fiscal year. 29424

(c) If the district's base cost enrolled ADM is less than 29425
500, then the district's superintendent cost shall be equal to 29426
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 29427
of this section for that fiscal year]. 29428

(2) Calculate the district's treasurer cost for that fiscal 29429
year as follows: 29430

(a) If the district's base cost enrolled ADM for that fiscal 29431
year is greater than 4,000, then the district's treasurer cost 29432
shall be equal to [(\$130,000 X 1.16) + the amount specified under 29433
division (A)(10)(c) of this section for that fiscal year]. 29434

(b) If the district's base cost enrolled ADM for that fiscal 29435
year is less than or equal to 4,000 but greater than or equal to 29436
500, the district's treasurer cost shall be equal to the sum of 29437
the following: 29438

(i) (The district's base cost enrolled ADM for that fiscal 29439
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16))/3500]; 29440

(ii) (\$60,000 X 1.16) + the amount specified under division 29441
(A)(10)(c) of this section for that fiscal year. 29442

(c) If the district's base cost enrolled ADM is less than 29443
500, then the district's treasurer cost shall be equal to 29444
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 29445
of this section for that fiscal year]. 29446

(3) Calculate the district's other district administrator 29447
cost for that fiscal year as follows: 29448

(a) Divide the average other district administrator salary 29449
for that fiscal year by the average superintendent salary for that 29450
fiscal year; 29451

<u>(b) Divide the district's base cost enrolled ADM for that</u>	29452
<u>fiscal year by 750;</u>	29453
<u>(c) Compute the other district administrator cost in</u>	29454
<u>accordance with the following formula:</u>	29455
<u>{[(The district's superintendent cost for that fiscal year</u>	29456
<u>calculated under division (F)(1) of this section - the amount</u>	29457
<u>specified under division (A)(10)(c) of this section for that</u>	29458
<u>fiscal year) X the quotient obtained under division (F)(3)(a) of</u>	29459
<u>this section] + the amount specified under division (A)(10)(c) of</u>	29460
<u>this section} X (the greater of the quotient obtained under</u>	29461
<u>division (F)(3)(b) of this section and 2)</u>	29462
<u>(4) Calculate the district's fiscal support cost for that</u>	29463
<u>fiscal year as follows:</u>	29464
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29465
<u>fiscal year by 850;</u>	29466
<u>(b) Determine the lesser of the following:</u>	29467
<u>(i) The maximum of the quotient obtained under division</u>	29468
<u>(F)(4)(a) of this section and 2;</u>	29469
<u>(ii) 35.</u>	29470
<u>(c) Compute the fiscal support cost in accordance with the</u>	29471
<u>following formula:</u>	29472
<u>The number obtained under division (F)(4)(b) of this section X</u>	29473
<u>[(the average bookkeeping and accounting employee salary for that</u>	29474
<u>fiscal year X 1.16) + the amount specified under division</u>	29475
<u>(A)(10)(c) of this section for that fiscal year]</u>	29476
<u>(5) Calculate the district's education management information</u>	29477
<u>system support cost for that fiscal year as follows:</u>	29478
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29479
<u>fiscal year by 5,000;</u>	29480
<u>(b) Compute the education management information system</u>	29481

<u>support cost in accordance with the following formula:</u>	29482
<u>(The greater of the quotient obtained under division (F)(5)(a) of</u>	29483
<u>this section and 1) X [(the average education management</u>	29484
<u>information system support employee salary for that fiscal year X</u>	29485
<u>1.16) + the amount specified under division (A)(10)(c) of this</u>	29486
<u>section for that fiscal year]</u>	29487
<u>(6) Calculate the district's leadership support cost for that</u>	29488
<u>fiscal year as follows:</u>	29489
<u>(a) Determine the greater of the quotient obtained under</u>	29490
<u>division (F)(3)(b) of this section and 2, and add 1 to that</u>	29491
<u>number;</u>	29492
<u>(b) Divide the number obtained under division (F)(6)(a) of</u>	29493
<u>this section by 3;</u>	29494
<u>(c) Compute the leadership support cost in accordance with</u>	29495
<u>the following formula:</u>	29496
<u>(The greater of the quotient obtained under division (F)(6)(b) of</u>	29497
<u>this section and 1) X [(the average administrative assistant</u>	29498
<u>salary for that fiscal year X 1.16) + the amount specified under</u>	29499
<u>division (A)(10)(c) of this section for that fiscal year]</u>	29500
<u>(7) Calculate the district's information technology center</u>	29501
<u>support cost for that fiscal year in accordance with the following</u>	29502
<u>formula:</u>	29503
<u>\$31 X the district's base cost enrolled ADM for that fiscal year</u>	29504
<u>(8) Calculate the district's district leadership and</u>	29505
<u>accountability base cost for that fiscal year, which equals the</u>	29506
<u>sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this</u>	29507
<u>section.</u>	29508
<u>(G) The department shall compute a district's building</u>	29509
<u>leadership and operations base cost for a fiscal year as follows:</u>	29510
<u>(1) Calculate the district's building leadership cost for</u>	29511

that fiscal year as follows: 29512

(a) Divide the average principal salary for that fiscal year 29513
by the average superintendent salary for that fiscal year; 29514

(b) Divide the district's base cost enrolled ADM for that 29515
fiscal year by 450; 29516

(c) Compute the building leadership cost in accordance with 29517
the following formula: 29518

{[(The district's superintendent cost for that fiscal year 29519
calculated under division (F)(1) of this section - the amount 29520
specified under division (A)(10)(c) of this section for that 29521
fiscal year) X the quotient obtained under division (G)(1)(a) of 29522
this section] + the amount specified under division (A)(10)(c) of 29523
this section for that fiscal year} X the quotient obtained under 29524
division (G)(1)(b) of this section 29525

(2) Calculate the district's building leadership support cost 29526
for that fiscal year as follows: 29527

(a) Divide the district's base cost enrolled ADM for that 29528
fiscal year by 400; 29529

(b) Determine the number of school buildings in the district 29530
for that fiscal year; 29531

(c) Compute the building leadership support cost in 29532
accordance with the following formula: 29533

(i) If the quotient obtained under division (G)(2)(a) of this 29534
section is less than the number obtained under division (G)(2)(b) 29535
of this section, then the district's building leadership support 29536
cost shall be equal to {the number obtained under division 29537
(G)(2)(b) of this section for that fiscal year X [(the average 29538
clerical staff salary for that fiscal year X 1.16) + the amount 29539
specified under division (A)(10)(c) of this section for that 29540
fiscal year]}. 29541

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section} X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}. 29542
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(3) Calculate the district's building operations cost for that fiscal year as follows: 29551
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(a) Using data for the six most recent fiscal years for which data is available, determine both of the following: 29553
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(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state; 29555
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29557

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state. 29558
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(b) Compute the building operations cost in accordance with the following formula: 29561
29562

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this section X the number determined under division (G)(3)(a)(ii) of this section) - (the amount determined under division (E)(6)(a) of this section for that fiscal year/ the sum determined under division (E)(6)(b) of this section for that fiscal year)] 29563
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(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section. 29569
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(H) If a district is an eligible school district, the 29572

department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows: 29573
29574

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year; 29575
29576
29577

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year; 29578
29579

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula: 29580
29581

(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed 29582
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Sec. 3317.012. (A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code. 29586
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(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following: 29595
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(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code; 29598
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29600

(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code; 29601
29602

<u>(3) The district-paid insurance costs determined under</u>	29603
<u>division (A)(10)(c) of section 3317.011 of the Revised Code;</u>	29604
<u>(4) Spending determined under divisions (E)(4)(a), (E)(5)(a),</u>	29605
<u>and (H)(1) of section 3317.011 of the Revised Code and the</u>	29606
<u>corresponding student counts determined under divisions (E)(4)(b),</u>	29607
<u>(E)(5)(b), and (H)(2) of that section;</u>	29608
<u>(5) The information determined under division (G)(3) of</u>	29609
<u>section 3317.011 of the Revised Code.</u>	29610
<u>(C) A joint vocational school district's aggregate base cost</u>	29611
<u>for a fiscal year shall be equal to the following sum:</u>	29612
<u>The district's teacher base cost for that fiscal year computed</u>	29613
<u>under division (D) of this section + the district's student</u>	29614
<u>support base cost for that fiscal year computed under division (E)</u>	29615
<u>of this section + the district's leadership and accountability</u>	29616
<u>base cost for that fiscal year computed under division (F) of this</u>	29617
<u>section + the district's building leadership and operations base</u>	29618
<u>cost for that fiscal year computed under division (G) of this</u>	29619
<u>section</u>	29620
<u>(D) The department of education shall compute a district's</u>	29621
<u>teacher base cost for a fiscal year as follows:</u>	29622
<u>(1) Calculate the district's classroom teacher cost for that</u>	29623
<u>fiscal year as follows:</u>	29624
<u>(a) Determine the full-time equivalency of students in the</u>	29625
<u>district's base cost enrolled ADM for that fiscal year that are</u>	29626
<u>enrolled in a career-technical education program or class, as</u>	29627
<u>certified under divisions (D)(2)(h), (i), (j), (k), and (l) of</u>	29628
<u>section 3317.03 of the Revised Code, and divide that number by 18;</u>	29629
<u>(b) Determine the full-time equivalency of students in the</u>	29630
<u>district's base cost enrolled ADM for that fiscal year that are</u>	29631
<u>enrolled in grades six through eight but are not enrolled in a</u>	29632
<u>career-technical education program or class described under</u>	29633

section 3317.014 of the Revised Code and divide that number by 25; 29634

(c) Determine the full-time equivalency of students in the 29635
district's base cost enrolled ADM for that fiscal year that are 29636
enrolled in grades nine through twelve but are not enrolled in a 29637
career-technical education program or class described under 29638
section 3317.014 of the Revised Code and divide that number by 27; 29639

(d) Compute the sum of the quotients obtained under divisions 29640
(D)(1)(a), (b), and (c) of this section; 29641

(e) Compute the classroom teacher base cost by multiplying 29642
the average teacher cost for that fiscal year by the sum computed 29643
under division (D)(1)(d) of this section. 29644

(2) Calculate the district's cost for that fiscal year for 29645
teachers providing health and physical education, instruction 29646
regarding employability and soft skills, development and 29647
coordination of internships and job placements, career-technical 29648
student organization activities, pre-apprenticeship and 29649
apprenticeship coordination, and any assessment related to 29650
career-technical education, including any nationally recognized 29651
job skills or end-of-course assessment, as follows: 29652

(a) Divide the district's base cost enrolled ADM for that 29653
fiscal year by 150; 29654

(b) If the quotient obtained under division (D)(2)(a) of this 29655
section is greater than 6, the teacher cost shall be equal to that 29656
quotient multiplied by the average teacher cost for that fiscal 29657
year. 29658

(c) If the quotient obtained under division (D)(2)(a) of this 29659
section is less than or equal to 6, the teacher cost shall be 29660
equal to 6 multiplied by the average teacher cost for that fiscal 29661
year. 29662

(3) Calculate the district's substitute teacher cost for that 29663

fiscal year in accordance with the following formula: 29664

(a) Compute the substitute teacher daily rate with benefits 29665
by multiplying the substitute teacher daily rate of \$90 by 1.16; 29666

(b) Compute the substitute teacher cost in accordance with 29667
the following formula: 29668

[The sum computed under division (D)(1)(d) of this section + (the 29669
greater of the quotient obtained under division (D)(2)(a) of this 29670
section and 6)] X the amount computed under division (D)(3)(a) of 29671
this section X 5 29672

(4) Calculate the district's professional development cost 29673
for that fiscal year in accordance with the following formula: 29674

[The sum computed under division (D)(1)(d) of this section + (the 29675
greater of the quotient obtained under division (D)(2)(a) of this 29676
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 29677
section 3317.011 of the Revised Code for that fiscal year)/180] X 29678
4 29679

(5) Calculate the district's teacher base cost for that 29680
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 29681
and (4) of this section. 29682

(E) The department shall compute a district's student support 29683
base cost for a fiscal year as follows: 29684

(1) Calculate the district's guidance counselor cost for that 29685
fiscal year as follows: 29686

(a) Determine the number of students in the district's base 29687
cost enrolled ADM for that fiscal year that are enrolled in grades 29688
nine through twelve and divide that number by 360; 29689

(b) Compute the counselor cost in accordance with the 29690
following formula: 29691

(The greater of the quotient obtained under division (E)(1)(a) of 29692
this section and 1) X [(the average counselor salary for that 29693

<u>fiscal year X 1.16) + the amount specified under division</u>	29694
<u>(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal</u>	29695
<u>year]</u>	29696
<u>(2) Calculate the district's librarian and media staff cost</u>	29697
<u>for that fiscal year as follows:</u>	29698
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29699
<u>fiscal year by 1,000;</u>	29700
<u>(b) Compute the librarian and media staff cost in accordance</u>	29701
<u>with the following formula:</u>	29702
<u>The quotient obtained under division (E)(2)(a) of this section X</u>	29703
<u>[(the average librarian and media staff salary for that fiscal</u>	29704
<u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>	29705
<u>section 3317.011 of the Revised Code for that fiscal year]</u>	29706
<u>(3) Calculate the district's staffing cost for student</u>	29707
<u>wellness and success for that fiscal year as follows:</u>	29708
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29709
<u>fiscal year by 250;</u>	29710
<u>(b) Compute the staffing cost for student wellness and</u>	29711
<u>success in accordance with the following formula:</u>	29712
<u>The quotient obtained under division (E)(3)(a) of this section X</u>	29713
<u>[(the average counselor salary for that fiscal year X 1.16) + the</u>	29714
<u>amount specified under division (A)(10)(c) of section 3317.011 of</u>	29715
<u>the Revised Code for that fiscal year]</u>	29716
<u>(4) Calculate the district's cost for that fiscal year for</u>	29717
<u>career-technical curriculum specialists and coordinators, career</u>	29718
<u>assessment and program placement, recruitment and orientation,</u>	29719
<u>student success coordination, analysis of test results,</u>	29720
<u>development of intervention and remediation plans and monitoring</u>	29721
<u>of those plans, and satellite program coordination in accordance</u>	29722
<u>with the following formula:</u>	29723
<u>[(The amount determined under division (E)(4)(a) of section</u>	29724

3317.011 of the Revised Code for that fiscal year / the sum 29725
determined under division (E)(4)(b) of section 3317.011 of the 29726
Revised Code) + (the amount determined under division (H)(1) of 29727
section 3317.011 of the Revised Code for that fiscal year / the 29728
sum determined under division (H)(2) of section 3317.011 of the 29729
Revised Code)] X the district's base cost enrolled ADM for the 29730
fiscal year for which the district's cost under this division is 29731
computed 29732

(5) Compute the district's building safety and security cost 29733
for that fiscal year in accordance with the following formula: 29734
(The amount determined under division (E)(5)(a) of section 29735
3317.011 of the Revised Code for that fiscal year / the sum 29736
determined under division (E)(5)(b) of section 3317.011 of the 29737
Revised Code) X the district's base cost enrolled ADM for the 29738
fiscal year for which the building safety and security cost is 29739
computed 29740

(6) Compute the district's supplies and academic content cost 29741
for that fiscal year in accordance with the following formula: 29742
(The amount determined under division (E)(6)(a) of section 29743
3317.011 of the Revised Code for that fiscal year / the sum 29744
determined under division (E)(6)(b) of section 3317.011 of the 29745
Revised Code) X the district's base cost enrolled ADM for the 29746
fiscal year for which the supplies and academic content cost is 29747
computed 29748

(7) Calculate the district's technology cost for that fiscal 29749
year in accordance with the following formula: 29750
\$37.50 X the district's base cost enrolled ADM for that fiscal 29751
year 29752

(8) Calculate the district's student support base cost for 29753
that fiscal year, which equals the sum of divisions (E)(1), (2), 29754
(3), (4), (5), (6), and (7) of this section. 29755

(F) The department shall compute a district's leadership and 29756

accountability base cost for a fiscal year as follows: 29757

(1) Calculate the district's superintendent cost for that fiscal year as follows: 29758
29759

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 29760
29761
29762
29763
29764

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 29765
29766
29767
29768

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 29769
29770

(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year. 29771
29772
29773

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 29774
29775
29776
29777

(2) Calculate the district's treasurer cost for that fiscal year as follows: 29778
29779

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 29780
29781
29782
29783
29784

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 29785
29786

500, the district's treasurer cost shall be equal to the sum of 29787
the following: 29788

(i) (The district's base cost enrolled ADM for that fiscal 29789
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 29790

(ii) (\$60,000 X 1.16) + the amount specified under division 29791
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 29792
year. 29793

(c) If the district's base cost enrolled ADM is less than 29794
500, then the district's treasurer cost shall be equal to 29795
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 29796
of section 3317.011 of the Revised Code for that fiscal year]. 29797

(3) Calculate the district's other district administrator 29798
cost for that fiscal year as follows: 29799

(a) Divide the average other district administrator salary 29800
for that fiscal year by the average superintendent salary for that 29801
fiscal year; 29802

(b) Divide the district's base cost enrolled ADM for that 29803
fiscal year by 750; 29804

(c) Compute the other district administrator cost in 29805
accordance with the following formula: 29806

{[(The district's superintendent cost for that fiscal year 29807
calculated under division (F)(1) of this section - the amount 29808
specified under division (A)(10)(c) of section 3317.011 of the 29809
Revised Code for that fiscal year) X the quotient obtained under 29810
division (F)(3)(a) of this section] + the amount specified under 29811
division (A)(10)(c) of section 3317.011 of the Revised Code} X 29812
(the greater of the quotient obtained under division (F)(3)(b) of 29813
this section and 2) 29814

(4) Calculate the district's fiscal support cost for that 29815
 29816

<u>fiscal year as follows:</u>	29817
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29818
<u>fiscal year by 850;</u>	29819
<u>(b) Determine the lesser of the following:</u>	29820
<u>(i) The maximum of the quotient obtained under division</u>	29821
<u>(F)(4)(a) of this section and 2;</u>	29822
<u>(ii) 35.</u>	29823
<u>(c) Compute the fiscal support cost in accordance with the</u>	29824
<u>following formula:</u>	29825
<u>The number obtained under division (F)(4)(b) of this section X</u>	29826
<u>[(the average bookkeeping and accounting employee salary for that</u>	29827
<u>fiscal year X 1.16) + the amount specified under division</u>	29828
<u>(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal</u>	29829
<u>year]</u>	29830
<u>(5) Calculate the district's education management information</u>	29831
<u>system support cost for that fiscal year as follows:</u>	29832
<u>(a) Divide the district's base cost enrolled ADM for that</u>	29833
<u>fiscal year by 5,000;</u>	29834
<u>(b) Compute the education management information system</u>	29835
<u>support cost in accordance with the following formula:</u>	29836
<u>(The greater of the quotient obtained under division (F)(5)(a) of</u>	29837
<u>this section and 1) X [(the average education management</u>	29838
<u>information system support employee salary for that fiscal year X</u>	29839
<u>1.16) + the amount specified under division (A)(10)(c) of section</u>	29840
<u>3317.011 of the Revised Code for that fiscal year]</u>	29841
<u>(6) Calculate the district's leadership support cost for that</u>	29842
<u>fiscal year as follows:</u>	29843
<u>(a) Determine the greater of the quotient obtained under</u>	29844
<u>division (F)(3)(b) of this section and 2 and add 1 to that number;</u>	29845
<u>(b) Divide the number obtained under division (F)(6)(a) of</u>	29846

this section by 3; 29847

(c) Compute the leadership support cost in accordance with 29848
the following formula: 29849

(The greater of the quotient obtained under division (F)(6)(b) of 29850
this section and 1) X [(the average administrative assistant 29851
salary for that fiscal year X 1.16) + the amount specified under 29852
division (A)(10)(c) of section 3317.011 of the Revised Code for 29853
that fiscal year] 29854

(7) Calculate the district's information technology center 29855
support cost for that fiscal year in accordance with the following 29856
formula: 29857

\$31 X the district's base cost enrolled ADM for that fiscal year 29858

(8) Calculate the district's district leadership and 29859
accountability base cost for that fiscal year, which equals the 29860
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 29861
section; 29862

(G) The department shall compute a district's building 29863
leadership and operations base cost for a fiscal year as follows: 29864

(1) Calculate the district's building leadership cost for 29865
that fiscal year as follows: 29866

(a) Divide the average principal salary for that fiscal year 29867
by the average superintendent salary for that fiscal year; 29868

(b) Divide the district's base cost enrolled ADM for that 29869
fiscal year by 450; 29870

(c) Compute the building leadership cost in accordance with 29871
the following formula: 29872

{[(The district's superintendent cost for that fiscal year 29873
calculated under division (F)(1) of this section - the amount 29874
specified under division (A)(10)(c) of section 3317.011 of the 29875
Revised Code for that fiscal year) X the quotient obtained under 29876

division (G)(1)(a) of this section] + the amount specified under 29877
division (A)(10)(c) of section 3317.011 of the Revised Code for 29878
that fiscal year} X the quotient obtained under division (G)(1)(b) 29879
of this section 29880

(2) Calculate the district's building leadership support cost 29881
for that fiscal year as follows: 29882

(a) Divide the district's base cost enrolled ADM for that 29883
fiscal year by 400; 29884

(b) Determine the number of school buildings in the district 29885
for that fiscal year; 29886

(c) Compute the building leadership support cost in 29887
accordance with the following formula: 29888

(i) If the quotient obtained under division (G)(2)(a) of this 29889
section is less than the number obtained under division (G)(2)(b) 29890
of this section, then the district's building leadership support 29891
cost shall be equal to {the number obtained under division 29892
(G)(2)(b) of this section X [(the average clerical staff salary X 29893
1.16) + the amount specified under division (A)(10)(c) of section 29894
3317.011 of the Revised Code for that fiscal year]}. 29895

(ii) If the quotient obtained under division (G)(2)(a) of 29896
this section is greater than or equal to the number obtained under 29897
division (G)(2)(b) of this section, then the district's building 29898
leadership support cost shall be equal to {[the lesser of (the 29899
number obtained under division (G)(2)(b) of this section X 3) and 29900
the quotient obtained under division (G)(2)(a) of this section] X 29901
[(the average clerical staff salary for that fiscal year X 1.16) + 29902
the amount specified under division (A)(10)(c) of section 3317.011 29903
of the Revised Code for that fiscal year]}. 29904

(3) Compute the district's building operations cost for that 29905
fiscal year in accordance with the following formula: 29906
The district's base cost enrolled ADM for that fiscal year X [(the 29907

number determined under division (G)(3)(a)(i) of section 3317.011 29908
of the Revised Code X the number determined under division 29909
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 29910
amount determined under division (E)(5)(a) of section 3317.011 of 29911
the Revised Code for that fiscal year / the sum determined under 29912
division (E)(5)(b) of section 3317.011 of the Revised Code for 29913
that fiscal year)] 29914

(4) Calculate the district's building leadership and 29915
operations base cost for that fiscal year, which equals the sum of 29916
divisions (G)(1), (2), and (3) of this section. 29917

Sec. 3317.013. The ~~amounts~~ multiples for the following 29918
categories of special education programs, as these programs are 29919
defined for purposes of Chapter 3323. of the Revised Code, are as 29920
follows: 29921

(A) ~~An amount of \$1,578~~ A multiple of 0.2435 for ~~each student~~ 29922
~~students~~ whose primary or only identified disability is a speech 29923
and language disability, as this term is defined pursuant to 29924
Chapter 3323. of the Revised Code; 29925

(B) ~~An amount of \$4,005~~ A multiple of 0.6179 for ~~each student~~ 29926
~~students~~ identified as specific learning disabled or 29927
developmentally disabled, as these terms are defined pursuant to 29928
Chapter 3323. of the Revised Code, identified as having an other 29929
health impairment-minor, or identified as a preschool child who is 29930
developmentally delayed; 29931

(C) ~~An amount of \$9,622~~ A multiple of 1.4845 for ~~each student~~ 29932
~~students~~ identified as hearing disabled or severe behavior 29933
disabled, as these terms are defined pursuant to Chapter 3323. of 29934
the Revised Code; 29935

(D) ~~An amount of \$12,841~~ A multiple of 1.9812 for ~~each~~ 29936
~~student~~ students identified as vision impaired, as this term is 29937
defined pursuant to Chapter 3323. of the Revised Code, or as 29938

having an other health impairment-major; 29939

(E) ~~An amount of \$17,390~~ A multiple of 2.6830 for each 29940
~~student~~ students identified as orthopedically disabled or as 29941
having multiple disabilities, as these terms are defined pursuant 29942
to Chapter 3323. of the Revised Code; 29943

(F) ~~An amount of \$25,637~~ A multiple of 3.9554 for each 29944
~~student~~ students identified as autistic, having traumatic brain 29945
injuries, or as both visually and hearing impaired, as these terms 29946
are defined pursuant to Chapter 3323. of the Revised Code. 29947

Sec. 3317.014. ~~(A)~~ The ~~career-technical-education additional~~ 29948
~~amount per pupil for each student enrolled in multiples for the~~ 29949
~~following categories of~~ career-technical education programs 29950
approved by the department of education under section 3317.161 of 29951
the Revised Code shall be as follows: 29952

~~(A)~~ ~~An amount of \$5,192~~ (1) A multiple of 0.6230 for each 29953
~~student~~ students enrolled in career-technical education workforce 29954
development programs in agricultural and environmental systems, 29955
construction technologies, engineering and science technologies, 29956
finance, health science, information technology, and manufacturing 29957
technologies, each of which shall be defined by the department in 29958
consultation with the governor's office of workforce 29959
transformation; 29960

~~(B)~~ ~~An amount of \$4,921~~ (2) A multiple of 0.5905 for each 29961
~~student~~ students enrolled in workforce development programs in 29962
business and administration, hospitality and tourism, human 29963
services, law and public safety, transportation systems, and arts 29964
and communications, each of which shall be defined by the 29965
department in consultation with the governor's office of workforce 29966
transformation; 29967

~~(C)~~ ~~An amount of \$1,795~~ (3) A multiple of 0.2154 for students 29968

enrolled in career-based intervention programs, which shall be 29969
defined by the department in consultation with the governor's 29970
office of workforce transformation; 29971

~~(D) An amount of \$1,525~~ (4) A multiple of 0.1830 for students 29972
enrolled in workforce development programs in education and 29973
training, marketing, workforce development academics, public 29974
administration, and career development, each of which shall be 29975
defined by the department of education in consultation with the 29976
governor's office of workforce transformation; 29977

~~(E) An amount of \$1,308~~ (5) A multiple of 0.1570 for students 29978
enrolled in family and consumer science programs, which shall be 29979
defined by the department of education in consultation with the 29980
governor's office of workforce transformation. 29981

(B) The amount multiple for career-technical education 29982
associated services, as defined by the department, shall be ~~\$245~~ 29983
0.0294. 29984

(C) The department of education shall calculate 29985
career-technical education funds for each city, local, exempted 29986
village, and joint vocational school district as the sum of the 29987
following: 29988

(1) The district's category one career-technical education 29989
ADM X the multiple specified in division (A)(1) of this section X 29990
the statewide average career-technical base cost per pupil for 29991
that fiscal year X the district's state share percentage; 29992

(2) The district's category two career-technical education 29993
ADM X the multiple specified in division (A)(2) of this section X 29994
the statewide average career-technical base cost per pupil for 29995
that fiscal year X the district's state share percentage; 29996

(3) The district's category three career-technical education 29997
ADM X the multiple specified in division (A)(3) of this section X 29998
the statewide average career-technical base cost per pupil for 29999

<u>that fiscal year X the district's state share percentage;</u>	30000
<u>(4) The district's category four career-technical education</u>	30001
<u>ADM X the multiple specified in division (A)(4) of this section X</u>	30002
<u>the statewide average career-technical base cost per pupil for</u>	30003
<u>that fiscal year X the district's state share percentage;</u>	30004
<u>(5) The district's category five career-technical education</u>	30005
<u>ADM X the multiple specified in division (A)(5) of this section X</u>	30006
<u>the statewide average career-technical base cost per pupil for</u>	30007
<u>that fiscal year X the district's state share percentage.</u>	30008
<u>Payment of funds calculated under division (C) of this</u>	30009
<u>section is subject to approval under section 3317.161 of the</u>	30010
<u>Revised Code.</u>	30011
<u>(D) The department shall calculate career-technical</u>	30012
<u>associated services funds for each city, local, exempted village,</u>	30013
<u>and joint vocational school district as follows:</u>	30014
<u>The district's state share percentage X the multiple for</u>	30015
<u>career-technical education associated services specified under</u>	30016
<u>division (B) of this section X the statewide average</u>	30017
<u>career-technical base cost per pupil for that fiscal year X the</u>	30018
<u>sum of the district's categories one through five career-technical</u>	30019
<u>education ADM</u>	30020
<u>(E) The department shall pay career awareness and exploration</u>	30021
<u>funds to city, local, exempted village, and joint vocational</u>	30022
<u>school districts calculated as follows:</u>	30023
<u>The district's enrolled ADM X \$2.50, for fiscal year 2022, \$5, for</u>	30024
<u>fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal</u>	30025
<u>year 2025 and each fiscal year thereafter</u>	30026
<u>(F)(1) In any fiscal year, a school district receiving funds</u>	30027
<u>calculated under division (C) of this section shall spend those</u>	30028
<u>funds only for the purposes that the department designates as</u>	30029
<u>approved for career-technical education expenses. Career-technical</u>	30030

education expenses approved by the department shall include only 30031
expenses connected to the delivery of career-technical programming 30032
to career-technical students. The department shall require the 30033
school district to report data annually so that the department may 30034
monitor the district's compliance with the requirements regarding 30035
the manner in which funding calculated under division (C) of this 30036
section may be spent. 30037

(2) All funds received under division (C) of this section 30038
shall be spent in the following manner: 30039

(a) At least seventy-five per cent of the funds shall be 30040
spent on curriculum development, purchase, and implementation; 30041
instructional resources and supplies; industry-based program 30042
certification; student assessment, credentialing, and placement; 30043
curriculum specific equipment purchases and leases; 30044
career-technical student organization fees and expenses; home and 30045
agency linkages; work-based learning experiences; professional 30046
development; and other costs directly associated with 30047
career-technical education programs including development of new 30048
programs. 30049

(b) Not more than twenty-five per cent of the funds shall be 30050
used for personnel expenditures. 30051

(G) In any fiscal year, a school district receiving funds 30052
calculated under division (D) of this section, or through a 30053
transfer of funds pursuant to division (I) of section 3317.023 of 30054
the Revised Code, shall spend those funds only for the purposes 30055
that the department designates as approved for career-technical 30056
education associated services expenses, which may include such 30057
purposes as apprenticeship coordinators, coordinators for other 30058
career-technical education services, career-technical evaluation, 30059
and other purposes designated by the department. The department 30060
may deny payment of funds calculated under division (D) of this 30061
section to any district that the department determines is not 30062

operating those services or is using funds calculated under 30063
division (D) of this section, or through a transfer of funds 30064
pursuant to division (I) of section 3317.023 of the Revised Code, 30065
for other purposes. 30066

(H) In any fiscal year, a lead district of a career-technical 30067
planning district receiving funds under division (E) of this 30068
section, or through a transfer of funds pursuant to division (I) 30069
of section 3317.023 of the Revised Code, shall disperse those 30070
funds to school districts, community schools, and STEM schools 30071
receiving services from that district that provide plans for the 30072
use of those funds that are consistent with the career-technical 30073
planning district's plan that is on file with the department of 30074
education. A district or school that receives funds under this 30075
division shall spend those funds only for the following purposes: 30076

(1) Delivery of career awareness programs to students 30077
enrolled in grades kindergarten through twelve; 30078

(2) Provision of a common, consistent curriculum to students 30079
throughout their primary and secondary education; 30080

(3) Assistance to teachers in providing a career development 30081
curriculum to students; 30082

(4) Development of a career development plan for each student 30083
that stays with that student for the duration of the student's 30084
primary and secondary education; 30085

(5) Provision of opportunities for students to engage in 30086
activities, such as career fairs, hands-on experiences, and job 30087
shadowing, across all career pathways at each grade level. 30088

The department may deny payment under this division to any 30089
district or school that the department determines is using funds 30090
paid under this division for other purposes. 30091

Sec. 3317.016. The amounts multiples for English learners 30092

shall be as follows: 30093

(A) ~~An amount of \$1,515~~ A multiple of 0.2104 for each student 30094
who has been enrolled in schools in the United States for 180 30095
school days or less and was not previously exempted from taking 30096
the spring administration of either of the state's English 30097
language arts assessments prescribed by section 3301.0710 of the 30098
Revised Code (reading or writing). 30099

(B) ~~An amount of \$1,136~~ A multiple of 0.1577 for each student 30100
who has been enrolled in schools in the United States for more 30101
than 180 school days ~~or was previously exempted from taking until~~ 30102
the student achieves a score on the spring administration of 30103
either of the state's English language arts assessments prescribed 30104
by section 3301.0710 of the Revised Code (reading or writing) that 30105
falls within the levels of achievement specified in divisions 30106
(A)(2)(a) to (c) of that section. 30107

(C) ~~An amount of \$758~~ A multiple of 0.1053 for each student 30108
who ~~does not qualify for inclusion under division (A) or (B) of~~ 30109
~~this section and is in a trial mainstream period, as defined by~~ 30110
the department achieves a score on the spring administration of 30111
either of the state's English language arts assessments prescribed 30112
by section 3301.0710 of the Revised Code (reading or writing) that 30113
falls within the levels of achievement specified in divisions 30114
(A)(2)(a) to (c) of that section, for the two school years 30115
following the school year in which the student achieved that level 30116
of achievement. 30117

Sec. 3317.017. (A) The department of education shall compute 30118
a city, local, or exempted village school district's per-pupil 30119
local capacity amount for a fiscal year as follows: 30120

(1) Calculate the district's valuation per pupil for that 30121
fiscal year as follows: 30122

<u>(a) Determine the minimum of the district's three-year</u>	30123
<u>average valuation for the fiscal year for which the calculation is</u>	30124
<u>made and the district's taxable value for the most recent tax year</u>	30125
<u>for which data is available;</u>	30126
<u>(b) Divide the amount determined under division (A)(1)(a) of</u>	30127
<u>this section by the district's base cost enrolled ADM for the</u>	30128
<u>fiscal year for which the calculation is made.</u>	30129
<u>(2) Calculate the district's local share federal adjusted</u>	30130
<u>gross income per pupil for that fiscal year as follows:</u>	30131
<u>(a) Determine the minimum of the following:</u>	30132
<u>(i) The average of the total federal adjusted gross income of</u>	30133
<u>the district's residents for the three most recent tax years for</u>	30134
<u>which data is available, as certified under section 3317.021 of</u>	30135
<u>the Revised Code;</u>	30136
<u>(ii) The total federal adjusted gross income of the</u>	30137
<u>district's residents for the most recent tax year for which data</u>	30138
<u>is available, as certified under section 3317.021 of the Revised</u>	30139
<u>Code.</u>	30140
<u>(b) Divide the amount determined under division (A)(2)(a) of</u>	30141
<u>this section by the district's base cost enrolled ADM for the</u>	30142
<u>fiscal year for which the calculation is made.</u>	30143
<u>(3) Calculate the district's adjusted local share federal</u>	30144
<u>adjusted gross income per pupil for that fiscal year as follows:</u>	30145
<u>(a) Determine both of the following:</u>	30146
<u>(i) The median federal adjusted gross income of the</u>	30147
<u>district's residents for the most recent tax year for which data</u>	30148
<u>is available, as certified under section 3317.021 of the Revised</u>	30149
<u>Code;</u>	30150
<u>(ii) The number of state tax returns filed by taxpayers</u>	30151
<u>residing in the district for the most recent tax year for which</u>	30152

<u>data is available, as certified under section 3317.021 of the</u>	30153
<u>Revised Code.</u>	30154
<u>(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of</u>	30155
<u>this section;</u>	30156
<u>(c) Divide the amount determined under division (A)(3)(b) of</u>	30157
<u>this section by the district's base cost enrolled ADM for the</u>	30158
<u>fiscal year for which the calculation is made.</u>	30159
<u>(4) Calculate the district's per-pupil local capacity</u>	30160
<u>percentage as follows:</u>	30161
<u>(a) Determine the median of the median federal adjusted gross</u>	30162
<u>incomes determined for all districts statewide under division</u>	30163
<u>(A)(3)(a)(i) of this section for that fiscal year;</u>	30164
<u>(b) Divide the district's median federal adjusted gross</u>	30165
<u>income for that fiscal year determined under division (A)(3)(a)(i)</u>	30166
<u>of this section by the median federal adjusted gross income for</u>	30167
<u>all districts statewide determined under division (A)(4)(a) of</u>	30168
<u>this section;</u>	30169
<u>(c) Rank all school districts in order of the ratios</u>	30170
<u>calculated under division (A)(4)(b) of this section, from the</u>	30171
<u>district with the highest ratio calculated under division</u>	30172
<u>(A)(4)(b) of this section to the district with the lowest ratio</u>	30173
<u>calculated under division (A)(4)(b) of this section;</u>	30174
<u>(d) Determine the district's per-pupil local capacity</u>	30175
<u>percentage as follows:</u>	30176
<u>(i) If the ratio calculated for the district under division</u>	30177
<u>(A)(4)(b) of this section is greater than or equal to the ratio</u>	30178
<u>calculated under division (A)(4)(b) of this section for the</u>	30179
<u>district with the fortieth highest ratio as determined under</u>	30180
<u>division (A)(4)(c) of this section, the district's per-pupil local</u>	30181
<u>capacity percentage shall be equal to 0.025.</u>	30182

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225

(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225.

(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows:

(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share adjusted federal gross income per pupil calculated under division (A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted

village school district's state share for a fiscal year as follows: 30215
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(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year). 30217
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(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year]. 30223
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(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows: 30230
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The district's state share calculated under division (B) of this section for that fiscal year/ the aggregate base cost calculated for the district for that fiscal year under section 3317.011 of the Revised Code 30233
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Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows: 30237
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(1) For fiscal year 2022, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year. 30239
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(2) For fiscal years 2023, 2024, 2025, 2026, and 2027, the 30246
statewide average base cost per pupil shall be equal to the amount 30247
calculated under division (A)(1) of this section. 30248

(3) For fiscal year 2028 and for each fiscal year thereafter, 30249
the statewide average base cost per pupil shall be equal to the 30250
sum of the aggregate base cost calculated for all city, local, and 30251
exempted village school districts in the state under section 30252
3317.011 of the Revised Code for that fiscal year divided by the 30253
sum of the base cost enrolled ADMs of all of the city, local, and 30254
exempted village school districts in the state for that fiscal 30255
year. 30256

(B) The statewide average career-technical base cost per 30257
pupil shall be determined as follows: 30258

(1) For fiscal year 2022, the statewide average 30259
career-technical base cost per pupil shall be equal to the sum of 30260
the aggregate base cost calculated for all joint vocational school 30261
districts in the state for that fiscal year under section 3317.012 30262
of the Revised Code divided by the sum of the base cost enrolled 30263
ADMs of all of the joint vocational school districts in the state 30264
for that fiscal year. 30265

(2) For fiscal years 2023, 2024, 2025, 2026, and 2027, the 30266
statewide average career-technical base cost per pupil shall be 30267
equal to the amount calculated under division (B)(1) of this 30268
section. 30269

(3) For fiscal year 2028 and for each fiscal year thereafter, 30270
the statewide average career-technical base cost per pupil shall 30271
be equal to the sum of the aggregate base cost calculated for all 30272
joint vocational school districts in the state under section 30273
3317.012 of the Revised Code for that fiscal year divided by the 30274
sum of the base cost enrolled ADMs of all of the joint vocational 30275
school districts in the state for that fiscal year. 30276

Sec. 3317.019. (A)(1) Subject to division (D) of this section, for fiscal years 2022 and 2023, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.022 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(1) of this section results in a negative number, the district's funding under division (A)(1) of this section shall be zero.

(2) For fiscal years 2022 and 2023, the department shall pay temporary transitional transportation aid to that district according to the following formula:

(The amount calculated for the district for fiscal year 2020 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the district's payment for fiscal year 2019 under division (D)(2) of section 3314.091 of the Revised Code as that division existed prior to the effective date of this amendment) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(2) of this section results in a negative number, the district's funding under division (A)(2) of this section shall be zero.

(B) Subject to division (D) of this section, for fiscal year 2024 and for each fiscal year thereafter, the department shall pay temporary transitional aid to each city, local, and exempted

village school district according to the following formula: 30308
(The district's guaranteed funding for the third preceding fiscal 30309
year / the average of the district's enrolled ADM for the third, 30310
fourth, and fifth preceding fiscal years) - (the district's 30311
payment under section 3317.022 of the Revised Code for the fiscal 30312
year for which the payment is calculated / the district's enrolled 30313
ADM for the fiscal year for which the payment is calculated) X the 30314
district's enrolled ADM for the fiscal year for which the payment 30315
is calculated 30316

If the computation made under this division results in a 30317
negative number, the district's funding under this division shall 30318
be zero. 30319

For purposes of this computation, a district's "guaranteed 30320
funding" means the following: 30321

(1) For fiscal year 2021, the district's funding base, as 30322
that term is defined in section 3317.02 of the Revised Code. 30323

(2) For fiscal years 2022 and 2023, the district's payment 30324
for that fiscal year under section 3317.022 of the Revised Code 30325
plus the district's payment for that fiscal year under division 30326
(A)(1) of this section; 30327

(3) For fiscal year 2024 and for each fiscal year thereafter, 30328
the district's payment for that fiscal year under section 3317.022 30329
of the Revised Code plus the district's payment for that fiscal 30330
year under division (B) of this section. 30331

(C) If a local school district participates in the 30332
establishment of a joint vocational school district that begins 30333
receiving payments under section 3317.16 of the Revised Code for 30334
fiscal year 2022 or for any fiscal year thereafter, but does not 30335
receive payments for the fiscal year immediately preceding that 30336
fiscal year, the department shall adjust, as necessary, the 30337
following according to the amounts received by the district in the 30338

immediately preceding fiscal year for career-technical education 30339
students who attend the newly established joint vocational school 30340
district: 30341

(1) For purposes of division (A)(1) of this section, the 30342
district's funding base, as that term is defined in section 30343
3317.02 of the Revised Code. 30344

(2) For purposes of division (B) of this section, the 30345
district's guaranteed funding. 30346

(D)(1) For purposes of division (D) of this section, a 30347
district's "decrease threshold" for a fiscal year is the greater 30348
of the following: 30349

(a) Twenty; 30350

(b) Ten per cent of the number of the district's students 30351
counted under division (A)(1)(b) of section 3317.03 of the Revised 30352
Code for the previous fiscal year. 30353

(2) For any fiscal year for which the general phase-in 30354
percentage is less than one hundred per cent, if a district has 30355
fewer students counted under division (A)(1)(b) of section 3317.03 30356
of the Revised Code for that fiscal year than for the previous 30357
fiscal year and the positive difference between those two student 30358
counts is greater than or equal to the district's decrease 30359
threshold for that fiscal year, the amount paid to the district 30360
under division (A) or (B) of this section shall be reduced by the 30361
following amount: 30362

The statewide average base cost per pupil X [(the positive 30363
difference between the number of the district's students counted 30364
under division (A)(1)(b) of section 3317.03 of the Revised Code 30365
for that fiscal year and the number of the district's students 30366
counted under that division for the previous fiscal year) - the 30367
district's decrease threshold for that fiscal year] 30368

At no time, however, shall the amount paid to a district 30369

under division (A) or (B) of this section be less than zero. 30370

Sec. 3317.02. As used in this chapter: 30371

(A)~~(1)~~ A district's "base cost enrolled ADM" for a fiscal year means the greater of the following: 30372
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(1) The district's enrolled ADM for the previous fiscal year; 30374

(2) The average of the district's enrolled ADM for the previous three fiscal years. 30375
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(B)(1) "Base cost per pupil" for a fiscal year means, for a city, local, or exempted village school district, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year. 30377
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(2) "Base cost per pupil" for a fiscal year means, for a joint vocational school district, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year. 30382
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(C)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(1) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 30387
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 30393
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(3) "Category three career-technical education ADM" means the 30399

enrollment of students during the school year on a full-time 30400
equivalency basis in career-technical education programs described 30401
in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code and 30402
certified under division (B)(13) or (D)(2)(j) of section 3317.03 30403
of the Revised Code. 30404

(4) "Category four career-technical education ADM" means the 30405
enrollment of students during the school year on a full-time 30406
equivalency basis in career-technical education programs described 30407
in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code and 30408
certified under division (B)(14) or (D)(2)(k) of section 3317.03 30409
of the Revised Code. 30410

(5) "Category five career-technical education ADM" means the 30411
enrollment of students during the school year on a full-time 30412
equivalency basis in career-technical education programs described 30413
in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code and 30414
certified under division (B)(15) or (D)(2)(l) of section 3317.03 30415
of the Revised Code. 30416

~~(B)(1)~~(D)(1) "Category one English learner ADM" means the 30417
full-time equivalent number of English learners described in 30418
division (A) of section 3317.016 of the Revised Code and certified 30419
under division (B)(16) or (D)(2)(m) of section 3317.03 of the 30420
Revised Code. 30421

(2) "Category two English learner ADM" means the full-time 30422
equivalent number of English learners described in division (B) of 30423
section 3317.016 of the Revised Code and certified under division 30424
(B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code. 30425

(3) "Category three English learner ADM" means the full-time 30426
equivalent number of English learners described in division (C) of 30427
section 3317.016 of the Revised Code and certified under division 30428
(B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code. 30429

~~(C)(1)~~(E)(1) "Category one special education ADM" means the 30430

full-time equivalent number of children with disabilities 30431
receiving special education services for the disability specified 30432
in division (A) of section 3317.013 of the Revised Code and 30433
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 30434
the Revised Code. 30435

(2) "Category two special education ADM" means the full-time 30436
equivalent number of children with disabilities receiving special 30437
education services for those disabilities specified in division 30438
(B) of section 3317.013 of the Revised Code and certified under 30439
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 30440
Code. 30441

(3) "Category three special education ADM" means the 30442
full-time equivalent number of students receiving special 30443
education services for those disabilities specified in division 30444
(C) of section 3317.013 of the Revised Code, and certified under 30445
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 30446
Code. 30447

(4) "Category four special education ADM" means the full-time 30448
equivalent number of students receiving special education services 30449
for those disabilities specified in division (D) of section 30450
3317.013 of the Revised Code and certified under division (B)(8) 30451
or (D)(2)(e) of section 3317.03 of the Revised Code. 30452

(5) "Category five special education ADM" means the full-time 30453
equivalent number of students receiving special education services 30454
for the disabilities specified in division (E) of section 3317.013 30455
of the Revised Code and certified under division (B)(9) or 30456
(D)(2)(f) of section 3317.03 of the Revised Code. 30457

(6) "Category six special education ADM" means the full-time 30458
equivalent number of students receiving special education services 30459
for the disabilities specified in division (F) of section 3317.013 30460
of the Revised Code and certified under division (B)(10) or 30461

(D)(2)(g) of section 3317.03 of the Revised Code. 30462

~~(D)~~(F) "Economically disadvantaged index for a school 30463
district" means the square of the quotient of that district's 30464
percentage of students in its ~~total~~ enrolled ADM who are 30465
identified as economically disadvantaged as defined by the 30466
department of education, divided by the percentage of students in 30467
the statewide ~~total~~ ADM identified as economically disadvantaged. 30468
For purposes of this calculation: 30469

(1) For a city, local, or exempted village school district, 30470
the "statewide ~~total~~ ADM" equals the sum of the ~~total~~ following: 30471

(a) The enrolled ADM for all city, local, and exempted 30472
village school districts combined; 30473

(b) The statewide enrollment of students in community schools 30474
established under Chapter 3314. of the Revised Code; 30475

(c) The statewide enrollment of students in science, 30476
technology, engineering, and mathematics schools established under 30477
Chapter 3326. of the Revised Code. 30478

(2) For a joint vocational school district, the "statewide 30479
~~total~~ ADM" equals the sum of the ~~formula~~ enrolled ADM for all 30480
joint vocational school districts combined. 30481

~~(E)~~(1)(G)(1) "Enrolled ADM" means, for a city, local, or 30482
exempted village school district, the enrollment reported under 30483
division (A) of section 3317.03 of the Revised Code, as verified 30484
by the superintendent of public instruction and adjusted if so 30485
ordered under division (K) of that section, and as further 30486
adjusted by the department of education, as follows: 30487

(a) Add the students described in division (A)(1)(b) of 30488
section 3317.03 of the Revised Code; 30489

(b) Subtract the students counted under divisions (A)(2)(a), 30490
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 30491

<u>Code;</u>	30492
<u>(c) Count only twenty per cent of the number of joint</u>	30493
<u>vocational school district students counted under division (A)(3)</u>	30494
<u>of section 3317.03 of the Revised Code;</u>	30495
<u>(d) Add twenty per cent of the number of students who are</u>	30496
<u>entitled to attend school in the district under section 3313.64 or</u>	30497
<u>3313.65 of the Revised Code and are enrolled in another school</u>	30498
<u>district under a career-technical education compact.</u>	30499
<u>(2) "Enrolled ADM" means, for a joint vocational school</u>	30500
<u>district, the final number verified by the superintendent of</u>	30501
<u>public instruction, based on the enrollment reported and certified</u>	30502
<u>under division (D) of section 3317.03 of the Revised Code, as</u>	30503
<u>adjusted, if so ordered, under division (K) of that section, and</u>	30504
<u>as further adjusted by the department of education by adding the</u>	30505
<u>students described in division (D)(1)(b) of section 3317.03 of the</u>	30506
<u>Revised Code.</u>	30507
<u>(H)(1) "Formula ADM" means, for a city, local, or exempted</u>	30508
<u>village school district, the enrollment reported under division</u>	30509
<u>(A) of section 3317.03 of the Revised Code, as verified by the</u>	30510
<u>superintendent of public instruction and adjusted if so ordered</u>	30511
<u>under division (K) of that section, and as further adjusted by the</u>	30512
<u>department of education, as follows:</u>	30513
<u>(a) Count only twenty per cent of the number of joint</u>	30514
<u>vocational school district students counted under division (A)(3)</u>	30515
<u>of section 3317.03 of the Revised Code;</u>	30516
<u>(b) Add twenty per cent of the number of students who are</u>	30517
<u>entitled to attend school in the district under section 3313.64 or</u>	30518
<u>3313.65 of the Revised Code and are enrolled in another school</u>	30519
<u>district under a career-technical education compact.</u>	30520
<u>(2) "Formula ADM" means, for a joint vocational school</u>	30521
<u>district, the final number verified by the superintendent of</u>	30522

public instruction, based on the enrollment reported and certified 30523
under division (D) of section 3317.03 of the Revised Code, as 30524
adjusted, if so ordered, under division (K) of that section. 30525

~~(F) "Formula amount" means \$6,010, for fiscal year 2018, and 30526
\$6,020, for fiscal year 2019. 30527~~

~~(G)~~(I) "FTE basis" means a count of students based on 30528
full-time equivalency, in accordance with rules adopted by the 30529
department of education pursuant to section 3317.03 of the Revised 30530
Code. In adopting its rules under this division, the department 30531
shall provide for counting any student in category one, two, 30532
three, four, five, or six special education ADM or in category 30533
one, two, three, four, or five career-technical education ADM in 30534
the same proportion the student is counted in ~~formula~~ enrolled 30535
ADM. 30536

~~(H)~~(J) "Funding base" means, for a city, local, or exempted 30537
village school district, the sum of the following as calculated by 30538
the department: 30539

(1) The district's "general funding base," which equals the 30540
amount calculated as follows: 30541

(a) Compute the sum of the following: 30542

(i) The amount calculated for the district for fiscal year 30543
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 30544
133rd general assembly after any adjustments required under 30545
Section 265.227 of H.B. 166 of the 133rd general assembly and 30546
prior to any funding reductions authorized by Executive Order 30547
2020-19D, "Implementing Additional Spending Controls to Balance 30548
the State Budget" issued on May 7, 2020; 30549

(ii) The district's payments for fiscal year 2020 under 30550
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 30551
Revised Code as those divisions existed prior to the effective 30552
date of this amendment. 30553

(b) Subtract from the amount calculated in division (J)(1) of this section the sum of the following: 30554
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(i) The following difference: 30556

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly) 30557
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(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly; 30567
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(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 30573
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(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to the effective date of this amendment, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to the effective date of this amendment, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in 30580
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the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code; 30586
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(v) The payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment. 30591
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(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference: 30595
30596

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly) 30597
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(K) "Funding base" means, for a joint vocational school district, the sum of the following as calculated by the department: 30607
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30609

(1) The district's "general funding base," which equals the amount calculated as follows: 30610
30611

(a) Compute the sum of the following: 30612

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly; 30613
30614
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30616

(ii) The district's payments for fiscal year 2020 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment. 30617
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(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019. 30621
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(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019. 30625
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(L) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 30630
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~~(I)~~(M) "Medically fragile child" means a child to whom all of the following apply: 30632
30633

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 30634
30635
30636

(2) The child requires the services of a registered nurse on a daily basis. 30637
30638

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 30639
30640
30641

~~(J)~~~~(1)~~(N)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 30642
30643
30644
30645
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(a) The child is identified as having a medical condition 30647
that is among those listed by the superintendent of public 30648
instruction as conditions where a substantial majority of cases 30649
fall within the definition of "medically fragile child." 30650

(b) The child is determined by the superintendent of public 30651
instruction to be a medically fragile child. A school district 30652
superintendent may petition the superintendent of public 30653
instruction for a determination that a child is a medically 30654
fragile child. 30655

(2) A child may be identified as having an "other health 30656
impairment-minor" if the child's condition meets the definition of 30657
"other health impaired" established in rules previously adopted by 30658
the state board of education but the child's condition does not 30659
meet either of the conditions specified in division ~~(J)(1)(a)~~ 30660
(N)(1)(a) or (b) of this section. 30661

~~(K)(0)(1)~~ A city, local, exempted village, or joint 30662
vocational school district's "general phase-in percentage" is 30663
equal to the percentage for that fiscal year that is determined by 30664
the general assembly. It is the intent of the general assembly 30665
that this percentage shall increase to one hundred per cent over 30666
the course of not more than six fiscal years, beginning with 30667
fiscal year 2022. 30668

(2) A city, local, exempted village, or joint vocational 30669
school district's "phase-in percentage for disadvantaged pupil 30670
impact aid" is equal to the following: 30671

(a) For fiscal years 2022 and 2023, the "phase-in percentage 30672
for disadvantaged pupil impact aid" for that fiscal year that is 30673
determined by the general assembly; 30674

(b) For fiscal year 2024 and each fiscal year thereafter, the 30675
"general phase-in percentage." 30676

(P) "Preschool child with a disability" means a child with a 30677

disability, as defined in section 3323.01 of the Revised Code, who 30678
is at least age three but is not of compulsory school age, as 30679
defined in section 3321.01 of the Revised Code, and who is not 30680
currently enrolled in kindergarten. 30681

~~(L)~~(O) "Preschool scholarship ADM" means the number of 30682
preschool children with disabilities certified under division 30683
(B)(3)(h) of section 3317.03 of the Revised Code. 30684

~~(M)~~(R) "Related services" includes: 30685

(1) Child study, special education supervisors and 30686
coordinators, speech and hearing services, adaptive physical 30687
development services, occupational or physical therapy, teacher 30688
assistants for children with disabilities whose disabilities are 30689
described in division (B) of section 3317.013 or division (B)(3) 30690
of this section, behavioral intervention, interpreter services, 30691
work study, nursing services, and specialized integrative services 30692
as those terms are defined by the department; 30693

(2) Speech and language services provided to any student with 30694
a disability, including any student whose primary or only 30695
disability is a speech and language disability; 30696

(3) Any related service not specifically covered by other 30697
state funds but specified in federal law, including but not 30698
limited to, audiology and school psychological services; 30699

(4) Any service included in units funded under former 30700
division (O)(1) of section 3317.024 of the Revised Code; 30701

(5) Any other related service needed by children with 30702
disabilities in accordance with their individualized education 30703
programs. 30704

~~(N)~~(S) "School district," unless otherwise specified, means 30705
city, local, and exempted village school districts. 30706

~~(O)~~(T) "State education aid" has the same meaning as in 30707

section 5751.20 of the Revised Code. 30708

~~(P)~~(U)(1) "State share ~~index~~ percentage" means, for a city, 30709
local, or exempted village school district, the state share ~~index~~ 30710
percentage calculated ~~for a district~~ under section 3317.017 of the 30711
Revised Code. 30712

~~(Q)~~(2) "State share percentage" means, for a joint vocational 30713
school district, the percentage calculated in accordance with the 30714
following formula: 30715

The amount computed for the district under division (A)(1) of 30716
section 3317.16 of the Revised Code for that fiscal year / the 30717
aggregate base cost calculated for the district for that fiscal 30718
year under section 3317.012 of the Revised Code 30719

(V) "Statewide average base cost per pupil" for a fiscal year 30720
means the statewide average base cost per pupil calculated under 30721
division (A) of section 3317.018 of the Revised Code. 30722

(W) "Statewide average career-technical base cost per pupil" 30723
for a fiscal year means the statewide average career-technical 30724
base cost per pupil calculated under division (B) of section 30725
3317.018 of the Revised Code. 30726

(X) "Taxes charged and payable" means the taxes charged and 30727
payable against real and public utility property after making the 30728
reduction required by section 319.301 of the Revised Code, plus 30729
the taxes levied against tangible personal property. 30730

~~(R)~~(1)~~(Y)~~ For purposes of ~~section~~ sections 3317.017 and 30731
3317.16 of the Revised Code, "three-year average valuation" for a 30732
fiscal year means the average of total taxable value for ~~tax years~~ 30733
~~2014, 2015, and 2016~~ the three most recent tax years for which 30734
data is available, as certified under section 3317.021 of the 30735
Revised Code. 30736

~~(2)~~ For purposes of ~~sections 3317.0217, 3317.0218, and~~ 30737
~~3317.16~~ of the Revised Code, "~~three year average valuation~~" means 30738

the following:	30739
(a) For fiscal year 2018, the average of total taxable value	30740
for tax years 2014, 2015, and 2016:	30741
(b) For fiscal year 2019, the average of total taxable value	30742
for tax years 2015, 2016, and 2017.	30743
(S)(Z) "Total ADM" means, for a city, local, or exempted	30744
village school district, the enrollment reported under division	30745
(A) of section 3317.03 of the Revised Code, as verified by the	30746
superintendent of public instruction and adjusted if so ordered	30747
under division (K) of that section.	30748
(T)(AA) "Total special education ADM" means the sum of	30749
categories one through six special education ADM.	30750
(U)(BB) "Total taxable value" means the sum of the amounts	30751
certified for a city, local, exempted village, or joint vocational	30752
school district under divisions (A)(1) and (2) of section 3317.021	30753
of the Revised Code.	30754
Sec. 3317.021. (A) On or before the first day of June of each	30755
year, the tax commissioner shall certify to the department of	30756
education and the office of budget and management the information	30757
described in divisions (A)(1) to (5) of this section for each	30758
city, exempted village, and local school district, and the	30759
information required by divisions (A)(1) and (2) of this section	30760
for each joint vocational school district, and it shall be used,	30761
along with the information certified under division (B) of this	30762
section, in making the computations for the district under this	30763
chapter.	30764
(1) The taxable value of real and public utility real	30765
property in the school district subject to taxation in the	30766
preceding tax year, by class and by county of location.	30767
(2) The taxable value of tangible personal property,	30768

including public utility personal property, subject to taxation by the district for the preceding tax year. 30769
30770

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses. 30771
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(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district. 30777
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(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following: 30781
30782
30783

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose; 30784
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(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 30787
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(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district. 30791
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(6) The number of state tax returns filed by the residents of the district for the most recent year for which this information 30798
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is available. 30800

(B) On or before the first day of May each year, the tax 30801
commissioner shall certify to the department of education and the 30802
office of budget and management the total taxable real property 30803
value of railroads and, separately, the total taxable tangible 30804
personal property value of all public utilities for the preceding 30805
tax year, by school district and by county of location. 30806

(C) If on the basis of the information certified under 30807
division (A) of this section, the department determines that any 30808
district fails in any year to meet the qualification requirement 30809
specified in division (A) of section 3317.01 of the Revised Code, 30810
the department shall immediately request the tax commissioner to 30811
determine the extent to which any school district income tax 30812
levied by the district under Chapter 5748. of the Revised Code 30813
shall be included in meeting that requirement. Within five days of 30814
receiving such a request from the department, the tax commissioner 30815
shall make the determination required by this division and report 30816
the quotient obtained under division (C)(3) of this section to the 30817
department and the office of budget and management. This quotient 30818
represents the number of mills that the department shall include 30819
in determining whether the district meets the qualification 30820
requirement of division (A) of section 3317.01 of the Revised 30821
Code. 30822

The tax commissioner shall make the determination required by 30823
this division as follows: 30824

(1) Multiply one mill times the total taxable value of the 30825
district as determined in divisions (A)(1) and (2) of this 30826
section; 30827

(2) Estimate the total amount of tax liability for the 30828
current tax year under taxes levied by Chapter 5748. of the 30829
Revised Code that are apportioned to current operating expenses of 30830

the district, excluding any income tax receipts allocated for the 30831
project cost, debt service, or maintenance set-aside associated 30832
with a state-assisted classroom facilities project as authorized 30833
by section 3318.052 of the Revised Code; 30834

(3) Divide the amount estimated under division (C)(2) of this 30835
section by the product obtained under division (C)(1) of this 30836
section. 30837

Sec. 3317.022. ~~(A)~~ The department of education shall compute 30838
and distribute state core foundation funding to each eligible 30839
school district for the fiscal year, using the information 30840
obtained under section 3317.021 of the Revised Code in the 30841
calendar year in which the fiscal year begins, ~~as prescribed in~~ 30842
~~the following divisions in accordance with the following formula:~~ 30843

The district's funding base + [(the district's state core 30844
foundation funding components for that fiscal year calculated 30845
under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 30846
section - the district's general funding base calculated in 30847
accordance with division (J)(1) of section 3317.02 of the Revised 30848
Code) X the district's general phase-in percentage for that fiscal 30849
year] + [(the district's disadvantaged pupil impact aid for that 30850
fiscal year calculated under division (A)(4) of this section - the 30851
district's disadvantaged pupil impact aid funding base calculated 30852
in accordance with division (J)(2) of section 3317.02 of the 30853
Revised Code) X the district's phase-in percentage for 30854
disadvantaged pupil impact aid for that fiscal year] 30855

(A) A district's state core foundation funding components 30856
shall be all of the following: 30857

(1) ~~An opportunity grant~~ The district's state share 30858
calculated according to the following formula: 30859

~~The formula amount X (formula ADM + preschool scholarship 30860
ADM) X the district's state share index under division (B) of 30861~~

<u>section 3317.017 of the Revised Code;</u>	30862
(2) Targeted assistance funds calculated under divisions (A)	30863
and (B) of section 3317.0217 of the Revised Code;	30864
(3) Additional state aid for special education and related	30865
services provided under Chapter 3323. of the Revised Code	30866
calculated as the sum of the following:	30867
(a) The district's category one special education ADM X the	30868
amount <u>multiple</u> specified in division (A) of section 3317.013 of	30869
the Revised Code X <u>the statewide average base cost per pupil for</u>	30870
<u>that fiscal year X</u> the district's state share index;	30871
(b) The district's category two special education ADM X the	30872
amount <u>multiple</u> specified in division (B) of section 3317.013 of	30873
the Revised Code X <u>the statewide average base cost per pupil for</u>	30874
<u>that fiscal year X</u> the district's state share index;	30875
(c) The district's category three special education ADM X the	30876
amount <u>multiple</u> specified in division (C) of section 3317.013 of	30877
the Revised Code X <u>the statewide average base cost per pupil for</u>	30878
<u>that fiscal year X</u> the district's state share index;	30879
(d) The district's category four special education ADM X the	30880
amount <u>multiple</u> specified in division (D) of section 3317.013 of	30881
the Revised Code X <u>the statewide average base cost per pupil for</u>	30882
<u>that fiscal year X</u> the district's state share index;	30883
(e) The district's category five special education ADM X the	30884
amount <u>multiple</u> specified in division (E) of section 3317.013 of	30885
the Revised Code X <u>the statewide average base cost per pupil for</u>	30886
<u>that fiscal year X</u> the district's state share index;	30887
(f) The district's category six special education ADM X the	30888
amount <u>multiple</u> specified in division (F) of section 3317.013 of	30889
the Revised Code X <u>the statewide average base cost per pupil for</u>	30890
<u>that fiscal year X</u> the district's state share index <u>percentage</u> .	30891

(4) ~~Kindergarten through third grade literacy funds~~ 30892
~~calculated according to the following formula:~~ 30893

~~(\$193 X formula ADM for grades kindergarten through three X~~ 30894
~~the district's state share index) + (\$127 X formula ADM for grades~~ 30895
~~kindergarten through three)~~ 30896

~~For purposes of this calculation, the department shall~~ 30897
~~subtract from a district's formula ADM for grades kindergarten~~ 30898
~~through three the number of students reported under division~~ 30899
~~(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an~~ 30900
~~internet or computer based community school who are in grades~~ 30901
~~kindergarten through three.~~ 30902

~~(5) Economically disadvantaged funds Disadvantaged pupil~~ 30903
~~impact aid calculated according to the following formula:~~ 30904

~~\$272~~ \$422 X (the district's economically disadvantaged index) 30905
X the number of students who are economically disadvantaged as 30906
certified under division (B)(21) of section 3317.03 of the Revised 30907
Code 30908

~~(6)~~(5) English learner funds calculated as the sum of the 30909
following: 30910

(a) The district's category one English learner ADM X the 30911
~~amount~~ multiple specified in division (A) of section 3317.016 of 30912
the Revised Code X the statewide average base cost per pupil for 30913
that fiscal year X the district's state share ~~index~~ percentage; 30914

(b) The district's category two English learner ADM X the 30915
~~amount~~ multiple specified in division (B) of section 3317.016 of 30916
the Revised Code X the statewide average base cost per pupil for 30917
that fiscal year X the district's state share ~~index~~ percentage; 30918

(c) The district's category three English learner ADM X the 30919
~~amount~~ multiple specified in division (C) of section 3317.016 of 30920
the Revised Code X the statewide average base cost per pupil for 30921

that fiscal year X the district's state share ~~index~~ percentage. 30922

~~(7)(a)(6)(a)~~ Gifted identification funds calculated according 30923
to the following formula: 30924

~~\$5.05~~ \$24 X the district's ~~formula~~ enrolled ADM for grades 30925
kindergarten through six X the district's state share percentage 30926

(b) Gifted referral funds calculated according to the 30927
following formula: 30928

\$2.50 X the district's enrolled ADM X the district's state 30929
share percentage 30930

(c) Gifted professional development funds calculated 30931
according to the following formula: 30932

(The greater of the number of gifted students enrolled in the 30933
district as certified under division (B)(22) of section 3317.03 of 30934
the Revised Code and ten per cent of the district's enrolled ADM) 30935
X the district's state share percentage X \$7, for fiscal year 30936
2022, \$14, for fiscal year 2023, \$21, for fiscal year 2024, or 30937
\$28, for fiscal year 2025 30938

The department shall make no payments under division 30939
(A)(6)(c) of this section for fiscal year 2026 or for each fiscal 30940
year thereafter. 30941

(d) Gifted unit funding calculated under section 3317.051 of 30942
the Revised Code. 30943

~~(8)(7)~~ Career-technical education funds calculated ~~as the sum~~ 30944
~~of the following:~~ 30945

~~(a) The district's category one career technical education~~ 30946
~~ADM X the amount specified in division (A) of section 3317.014 of~~ 30947
~~the Revised Code X the district's state share index;~~ 30948

~~(b) The district's category two career technical education~~ 30949
~~ADM X the amount specified in division (B) of section 3317.014 of~~ 30950
~~the Revised Code X the district's state share index;~~ 30951

(c) The district's category three career technical education	30952
ADM X the amount specified in division (C) of section 3317.014 of	30953
the Revised Code X the district's state share index;	30954
(d) The district's category four career technical education	30955
ADM X the amount specified in division (D) of section 3317.014 of	30956
the Revised Code X the district's state share index;	30957
(e) The district's category five career technical education	30958
ADM X the amount specified in division (E) of section 3317.014 of	30959
the Revised Code X the district's state share index.	30960
Payment of funds under division (A)(8) of this section is	30961
subject to approval under section 3317.161 of the Revised Code.	30962
(9) <u>under division (C) of section 3317.014 of the Revised</u>	30963
<u>Code.</u>	30964
(8) Career-technical education associated services funds	30965
calculated according to the following formula:	30966
The district's state share index X the amount for career technical	30967
education associated services specified in section 3317.014 of the	30968
Revised Code X the sum of categories one through five	30969
career technical education ADM	30970
(10) Capacity aid funds calculated under section 3317.0218 of	30971
the Revised Code;	30972
(11) A graduation bonus calculated under section 3317.0215 of	30973
the Revised Code;	30974
(12) A third grade reading bonus calculated under section	30975
3317.0216 of the Revised Code <u>under division (D) of section</u>	30976
<u>3317.014 of the Revised Code.</u>	30977
(B) In any fiscal year, a school district shall spend for	30978
purposes that the department designates as approved for special	30979
education and related services expenses at least the amount	30980
calculated as follows:	30981

(The ~~formula amount~~ base cost per pupil calculated for the 30982
district for that fiscal year X the total special education ADM) + 30983
(the district's category one special education ADM X the ~~amount~~ 30984
multiple specified in division (A) of section 3317.013 of the 30985
Revised Code X the statewide average base cost per pupil for that 30986
fiscal year) + (the district's category two special education ADM 30987
X the ~~amount~~ multiple specified in division (B) of section 30988
3317.013 of the Revised Code X the statewide average base cost per 30989
pupil for that fiscal year) + (the district's category three 30990
special education ADM X the ~~amount~~ multiple specified in division 30991
(C) of section 3317.013 of the Revised Code X the statewide 30992
average base cost per pupil for that fiscal year) + (the 30993
district's category four special education ADM X the ~~amount~~ 30994
multiple specified in division (D) of section 3317.013 of the 30995
Revised Code X the statewide average base cost per pupil for that 30996
fiscal year) + (the district's category five special education ADM 30997
X the ~~amount~~ multiple specified in division (E) of section 30998
3317.013 of the Revised Code X the statewide average base cost per 30999
pupil for that fiscal year) + (the district's category six special 31000
education ADM X the ~~amount~~ multiple specified in division (F) of 31001
section 3317.013 of the Revised Code X the statewide average base 31002
cost per pupil for that fiscal year) 31003

The purposes approved by the department for special education 31004
expenses shall include, but shall not be limited to, 31005
identification of children with disabilities, compliance with 31006
state rules governing the education of children with disabilities 31007
and prescribing the continuum of program options for children with 31008
disabilities, provision of speech language pathology services, and 31009
the portion of the school district's overall administrative and 31010
overhead costs that are attributable to the district's special 31011
education student population. 31012

~~The scholarships deducted from the school district's account~~ 31013
~~under sections 3310.41 and 3310.55 of the Revised Code shall be~~ 31014

~~considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.~~ 31015
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~~(C) In any fiscal year, a school district receiving funds under division (A)(8) of this section shall spend those funds only for the purposes that the department designates as approved for career technical education expenses. Career technical education expenses approved by the department shall include only expenses connected to the delivery of career technical programming to career technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent.~~ 31018
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~~(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career technical education services, career technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.~~ 31029
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~~(E) All funds received under division (A)(8) of this section shall be spent in the following manner:~~ 31043
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~~(1) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation;~~ 31045
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~~instructional resources and supplies; industry based program 31047
certification; student assessment, credentialing, and placement; 31048
curriculum specific equipment purchases and leases; 31049
career technical student organization fees and expenses; home and 31050
agency linkages; work based learning experiences; professional 31051
development; and other costs directly associated with 31052
career technical education programs including development of new 31053
programs. 31054~~

~~(2) Not more than twenty five per cent of the funds shall be 31055
used for personnel expenditures. 31056~~

~~(F) A school district shall spend the funds it receives under 31057
division (A)(5)(A)(4) of this section in accordance with section 31058
3317.25 of the Revised Code. 31059~~

~~(D) In any fiscal year, a school district shall spend the 31060
funds it receives under division (A)(5) of this section only for 31061
services for English learners. 31062~~

~~(E) In any fiscal year, a school district shall spend the 31063
funds it receives under division (A)(6) of this section only for 31064
the identification of gifted students, gifted coordinator 31065
services, gifted intervention specialist services, other service 31066
providers approved by the department of education, and gifted 31067
professional development. For any fiscal year, if the department 31068
determines that a district is not in compliance with this 31069
division, it shall reduce the district's payments for that fiscal 31070
year under this chapter by an amount equal to the amount paid to 31071
the district for that fiscal year under division (A)(6) of this 31072
section that was not spent in accordance with this division. 31073~~

Sec. 3317.023. (A) The amounts required to be paid to a 31074
district under this chapter shall be adjusted by the amount of the 31075
computations made under divisions (B) to (K) of this section. 31076

As used in this section: 31077

(1) "Career-technical planning district" or "CTPD" means a 31078
school district or group of school districts designated by the 31079
department of education as being responsible for the planning for 31080
and provision of career-technical education services to students 31081
within the district or group. A community school established under 31082
Chapter 3314. of the Revised Code or a STEM school established 31083
under Chapter 3326. of the Revised Code that is serving students 31084
in any of grades seven through twelve shall be assigned to a 31085
career-technical planning district by the department. 31086

(2) "Lead district" means a school district, including a 31087
joint vocational school district, designated by the department as 31088
a CTPD, or designated to provide primary career-technical 31089
education leadership within a CTPD composed of a group of 31090
districts, community schools assigned to the CTPD, and STEM 31091
schools assigned to the CTPD. 31092

(B) If a local, city, or exempted village school district to 31093
which a governing board of an educational service center provides 31094
services pursuant to an agreement entered into under section 31095
3313.843 of the Revised Code, deduct the amount of the payment 31096
required for the reimbursement of the governing board under that 31097
section. 31098

(C)(1) If the district is required to pay to or entitled to 31099
receive tuition from another school district under division (C)(2) 31100
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 31101
or if the superintendent of public instruction is required to 31102
determine the correct amount of tuition and make a deduction or 31103
credit under section 3317.08 of the Revised Code, deduct and 31104
credit such amounts as provided in division (J) of section 3313.64 31105
or section 3317.08 of the Revised Code. 31106

(2) For each child for whom the district is responsible for 31107

tuition or payment under division (A)(1) of section 3317.082 or 31108
section 3323.091 of the Revised Code, deduct the amount of tuition 31109
or payment for which the district is responsible. 31110

(D) If the district has been certified by the superintendent 31111
of public instruction under section 3313.90 of the Revised Code as 31112
not in compliance with the requirements of that section, deduct an 31113
amount equal to ten per cent of the amount computed for the 31114
district under this chapter. 31115

(E) If the district has received a loan from a commercial 31116
lending institution for which payments are made by the 31117
superintendent of public instruction pursuant to division (E)(3) 31118
of section 3313.483 of the Revised Code, deduct an amount equal to 31119
such payments. 31120

(F)(1) If the district is a party to an agreement entered 31121
into under division (D), (E), or (F) of section 3311.06 or 31122
division (B) of section 3311.24 of the Revised Code and is 31123
obligated to make payments to another district under such an 31124
agreement, deduct an amount equal to such payments if the district 31125
school board notifies the department in writing that it wishes to 31126
have such payments deducted. 31127

(2) If the district is entitled to receive payments from 31128
another district that has notified the department to deduct such 31129
payments under division (F)(1) of this section, add the amount of 31130
such payments. 31131

(G) If the district is required to pay an amount of funds to 31132
a cooperative education district pursuant to a provision described 31133
by division (B)(4) of section 3311.52 or division (B)(8) of 31134
section 3311.521 of the Revised Code, deduct such amounts as 31135
provided under that provision and credit those amounts to the 31136
cooperative education district for payment to the district under 31137
division (B)(1) of section 3317.19 of the Revised Code. 31138

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the ~~formula amount~~ statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center.

(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under ~~division (A)(9)~~ divisions (D) and (E) of section 3317.022 3317.014 of the Revised Code ~~or division (A)(6) of section 3317.16 of the Revised Code, as applicable~~ and for each community school and STEM school assigned to the CTPD under divisions (B) and (C) of section 3314.089 and division (B) and (C) of section 3326.39 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, or from the appropriate community school or STEM school, the amount attributable to that district or school that is

credited to a lead district under division (I)(1) of this section. 31170

(J) If the department pays a joint vocational school district 31171
under division (C)(3) of section 3317.16 of the Revised Code for 31172
excess costs of providing special education and related services 31173
to a student with a disability, as calculated under division 31174
(C)(1) of that section, the department shall deduct the amount of 31175
that payment from the city, local, or exempted village school 31176
district that is responsible as specified in that section for the 31177
excess costs. 31178

(K)(1) If the district reports an amount of excess cost for 31179
special education services for a child under division (C) of 31180
section 3323.14 of the Revised Code, the department shall pay that 31181
amount to the district. 31182

(2) If the district reports an amount of excess cost for 31183
special education services for a child under division (C) of 31184
section 3323.14 of the Revised Code, the department shall deduct 31185
that amount from the district of residence of that child. 31186

Sec. 3317.024. The following shall be distributed monthly, 31187
quarterly, or annually as may be determined by the state board of 31188
education: 31189

(A) An amount for each island school district and each joint 31190
state school district for the operation of each high school and 31191
each elementary school maintained within such district and for 31192
capital improvements for such schools. Such amounts shall be 31193
determined on the basis of standards adopted by the state board of 31194
education. However, for fiscal years 2012 and 2013, an island 31195
district shall receive the lesser of its actual cost of operation, 31196
as certified to the department of education, or ninety-three per 31197
cent of the amount the district received in state operating 31198
funding for fiscal year 2011. If an island district received no 31199
funding for fiscal year 2011, it shall receive no funding for 31200

either of fiscal year 2012 or 2013. 31201

(B) An amount for each school district required to pay 31202
tuition for a child in an institution maintained by the department 31203
of youth services pursuant to section 3317.082 of the Revised 31204
Code, provided the child was not included in the calculation of 31205
the district's formula ADM, as that term is defined in section 31206
3317.02 of the Revised Code, for the preceding school year. 31207

(C) An amount for the approved cost of transporting eligible 31208
pupils with disabilities attending a special education program 31209
approved by the department of education whom it is impossible or 31210
impractical to transport by regular school bus in the course of 31211
regular route transportation provided by the school district or 31212
educational service center. In the case of a school district, this 31213
amount shall be equal to the actual costs incurred by the district 31214
when transporting those students, as reported to the department, 31215
times the percentage determined for the district for that fiscal 31216
year under divisions (E)(3)(a) to (f) of section 3317.0212 of the 31217
Revised Code. No district or service center is eligible to receive 31218
a payment under this division for the cost of transporting any 31219
pupil whom it transports by regular school bus and who is included 31220
in the district's transportation ADM. The state board of education 31221
shall establish standards and guidelines for use by the department 31222
of education in determining the approved cost of such 31223
transportation for each ~~district~~ or service center. The state 31224
board shall also establish the deadline for each district to 31225
report its actual costs for transporting these students. Costs 31226
reported by each district under this division shall be subject to 31227
periodic, random audits by the department. 31228

(D) An amount to each school district, including each 31229
cooperative education school district, pursuant to section 3313.81 31230
of the Revised Code to assist in providing free lunches to needy 31231
children. The amounts shall be determined on the basis of rules 31232

adopted by the state board of education. 31233

(E)(1) An amount for auxiliary services to each school 31234
district, for each pupil attending a chartered nonpublic 31235
elementary or high school within the district that ~~is either of~~ 31236
~~the following:~~ 31237

~~(a) A school affiliated with a religious order, sect, church,~~ 31238
~~or denomination or has a curriculum or mission that contains~~ 31239
~~religious content, religious courses, devotional exercises,~~ 31240
~~religious training, or any other religious activity;~~ 31241

~~(b) A school not described in division (E)(1)(a) of this~~ 31242
~~section that~~ has not elected to receive funds under division 31243
(E)(2) of this section. 31244

(2) An amount for auxiliary services paid directly to each 31245
chartered nonpublic school that has elected to receive funds under 31246
division (E)(2) of this section for each pupil attending the 31247
school. To elect to receive funds under division (E)(2) of this 31248
section, a school, by the first day of April of each odd-numbered 31249
year, shall notify the department and the school district in which 31250
the school is located of the election and shall submit to the 31251
department an affidavit certifying that the school ~~is not~~ 31252
~~affiliated with a religious order, sect, church, or denomination~~ 31253
~~and does not have a curriculum or mission that contains religious~~ 31254
~~content, religious courses, devotional exercises, religious~~ 31255
~~training, or any other religious activity~~ shall expend the funds 31256
in the manner outlined in section 3317.062 of the Revised Code. 31257
The election shall take effect the following first day of July, 31258
~~unless the department determines that the school meets the~~ 31259
~~criteria in division (E)(1)(a) of this section.~~ The school 31260
subsequently may rescind its election, but it may do so only in an 31261
odd-numbered year by notifying the department and the school 31262
district in which the school is located of the rescission not 31263
later than the first day of April of that year. Beginning the 31264

following first day of July after the rescission, the school shall 31265
receive funds under division (E)(1) of this section. 31266

The amount paid under divisions (E)(1) and (2) of this 31267
section shall equal the total amount appropriated for the 31268
implementation of sections 3317.06 and 3317.062 of the Revised 31269
Code divided by the average daily membership in grades 31270
kindergarten through twelve in chartered nonpublic elementary and 31271
high schools within the state as determined as of the last day of 31272
October of each school year. 31273

(F) An amount for each county board of developmental 31274
disabilities, distributed on the basis of standards adopted by the 31275
state board of education, for the approved cost of transportation 31276
required for children attending special education programs 31277
operated by the county board under section 3323.09 of the Revised 31278
Code; 31279

(G) An amount to each institution defined under section 31280
3317.082 of the Revised Code providing elementary or secondary 31281
education to children other than children receiving special 31282
education under section 3323.091 of the Revised Code. This amount 31283
for any institution in any fiscal year shall equal the total of 31284
all tuition amounts required to be paid to the institution under 31285
division (A)(1) of section 3317.082 of the Revised Code. 31286

The state board of education or any other board of education 31287
or governing board may provide for any resident of a district or 31288
educational service center territory any educational service for 31289
which funds are made available to the board by the United States 31290
under the authority of public law, whether such funds come 31291
directly or indirectly from the United States or any agency or 31292
department thereof or through the state or any agency, department, 31293
or political subdivision thereof. 31294

Sec. 3317.028. (A) On or before May 15, 2007, and the 31295

fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education and the office of budget and management:

(1) The district's total taxable value for the preceding tax year;

(2) The change in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;

(3) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(4) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(B) Upon receipt of a certification specified in this section, the department of education shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year ~~without applying any funding limitations enacted by the general assembly to the computation.~~ The department shall pay to the district an amount equal to the lesser of the

following:	31327
(1) The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid;	31328 31329 31330
(2) The absolute value of the amount certified under division (A)(2) of this section.	31331 31332
The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment.	31333 31334 31335 31336 31337 31338 31339
(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.	31340 31341 31342 31343 31344 31345 31346
Sec. 3317.0212. (A) As used in this section:	31347
(1) <u>"Assigned bus" means a school bus used to transport qualifying riders.</u>	31348 31349
(2) <u>"Density" means the total riders per square mile of a school district.</u>	31350 31351
(3) <u>"Nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school</u>	31352 31353 31354 31355 31356

district during the first full week of October. 31357

(4) "Qualifying riders" means resident students enrolled in 31358
preschool and regular education in grades kindergarten to twelve 31359
who are provided school bus service by a school district and who 31360
live more than one mile from the school they attend, including 31361
students with dual enrollment in a joint vocational school 31362
district or a cooperative education school district, and students 31363
enrolled in a community school, STEM school, or nonpublic school. 31364

~~(2)~~(5) "Qualifying ridership" means the greater of the 31365
average number of qualifying riders counted in the morning or 31366
counted in the afternoon who are provided school bus service by a 31367
school district during the first full week of October. 31368

~~(3)~~(6) "Rider density" means the total ADM per square mile of 31369
a school district. following quotient: 31370

A school district's total number of qualifying riders/ the number 31371
of square miles in the district 31372

~~(4)~~(7) "Riders" means students enrolled in regular and 31373
special education in grades kindergarten through twelve who are 31374
provided school bus service by a school district, including 31375
students with dual enrollment in a joint vocational school 31376
district or a cooperative education school district, and students 31377
enrolled in a community school, STEM school, or nonpublic school. 31378

(8) "School bus service" means a school district's 31379
transportation of qualifying riders in any of the following types 31380
of vehicles: 31381

(a) School buses owned or leased by the district; 31382

(b) School buses operated by a private contractor hired by 31383
the district; 31384

(c) School buses operated by another school district or 31385
entity with which the district has contracted, either as part of a 31386

consortium for the provision of transportation or otherwise. 31387

(B) Not later than the ~~fifteenth day of October~~ first day of 31388
November each year, each city, local, and exempted village school 31389
district shall report to the department of education its 31390
qualifying ridership and any other information requested by the 31391
department. Subsequent adjustments to the reported numbers shall 31392
be made only in accordance with rules adopted by the department. 31393

(C) The department shall calculate the statewide 31394
transportation cost per student as follows: 31395

(1) Determine each city, local, and exempted village school 31396
district's transportation cost per student by dividing the 31397
district's total costs for school bus service in the previous 31398
fiscal year by its qualifying ridership in the previous fiscal 31399
year. 31400

(2) After excluding districts that do not provide school bus 31401
service and the ten districts with the highest transportation 31402
costs per student and the ten districts with the lowest 31403
transportation costs per student, divide the aggregate cost for 31404
school bus service for the remaining districts in the previous 31405
fiscal year by the aggregate qualifying ridership of those 31406
districts in the previous fiscal year. 31407

(D) The department shall calculate the statewide 31408
transportation cost per mile as follows: 31409

(1) Determine each city, local, and exempted village school 31410
district's transportation cost per mile by dividing the district's 31411
total costs for school bus service in the previous fiscal year by 31412
its total number of miles driven for school bus service in the 31413
previous fiscal year. 31414

(2) After excluding districts that do not provide school bus 31415
service and the ten districts with the highest transportation 31416
costs per mile and the ten districts with the lowest 31417

transportation costs per mile, divide the aggregate cost for 31418
school bus service for the remaining districts in the previous 31419
fiscal year by the aggregate miles driven for school bus service 31420
in those districts in the previous fiscal year. 31421

(E) The department shall calculate each city, local, and 31422
exempted village school district's transportation base payment as 31423
follows: 31424

(1) ~~Multiply~~ Calculate the sum of the following: 31425

(a) The product of the statewide transportation cost per 31426
student ~~by~~ and the number of students counted in the district's 31427
qualifying ridership for the current fiscal year who are enrolled 31428
in the district; 31429

(b) 1.5 times the statewide transportation cost per student 31430
times the number of students counted in the district's qualifying 31431
ridership for the current fiscal year who are enrolled in 31432
community schools established under Chapter 3314. of the Revised 31433
Code or STEM schools established under Chapter 3326. of the 31434
Revised Code; 31435

(c) 2.0 times the statewide transportation cost per student 31436
times the number of students counted in the district's qualifying 31437
ridership for the current fiscal year who are enrolled in 31438
nonpublic schools. 31439

(2) Multiply the statewide transportation cost per mile by 31440
the district's total number of miles driven for school bus service 31441
in the current fiscal year. 31442

(3) Multiply the greater of the amounts calculated under 31443
divisions (E)(1) and (2) of this section by the following: 31444

(a) For fiscal year ~~2018~~ 2022, the greater of ~~thirty-seven 31445
and one-half~~ twenty-nine and one-sixth per cent or the district's 31446
state share ~~index~~ percentage, as defined in section 3317.02 of the 31447

Revised Code; 31448

(b) For fiscal year ~~2019~~ 2023, the greater of ~~twenty-five~~ thirty-three and one-third per cent or the district's state share index percentage; 31449
31450
31451

(c) For fiscal year 2024, the greater of thirty-seven and one-half per cent or the district's state share percentage; 31452
31453

(d) For fiscal year 2025, the greater of forty-one and two-thirds per cent or the district's state share percentage; 31454
31455

(e) For fiscal year 2026, the greater of forty-five and five-sixths per cent or the district's state share percentage; 31456
31457

(f) For fiscal year 2027 and for each fiscal year thereafter, the greater of fifty per cent or the district's state share percentage. 31458
31459
31460

(F)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined. 31461
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(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus. 31471
31472
31473

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows: 31474
31475
31476

(a) If the district's efficiency index is equal to or greater 31477

than 1.5, the efficiency adjustment payment shall be calculated 31478
according to the following formula: 31479
0.15 X the district's transportation base payment calculated under 31480
division (E) of this section 31481

(b) If the district's efficiency index is less than 1.5 but 31482
greater than or equal to 1.0, the efficiency adjustment payment 31483
shall be calculated according to the following formula: 31484
{[(The district's efficiency index - 1) X 0.15]/0.5} X the 31485
district's transportation base payment calculated under division 31486
(E) of this section 31487

(c) If the district's efficiency index is less than 1.0, the 31488
efficiency adjustment payment shall be zero. 31489

(G) In addition to funds paid under ~~division (E)~~ divisions 31490
(E), (F), and (H) of this section, each city, local, and exempted 31491
village district shall receive in accordance with rules adopted by 31492
the state board of education a payment for students transported by 31493
means other than school bus service and whose transportation is 31494
not funded under division (C) of section 3317.024 of the Revised 31495
Code. The rules shall include provisions for school district 31496
reporting of such students. 31497

~~(G)(1)~~(H)(1) For purposes of division ~~(G)~~(H) of this section, 31498
a school district's "transportation supplement percentage" means 31499
the following quotient: 31500
(~~5028~~ - the district's rider density) / 100 31501

If the result of the calculation for a district under 31502
division ~~(G)(1)~~(H)(1) of this section is less than zero, the 31503
district's transportation supplement percentage shall be zero. 31504

(2) The department shall pay each district a transportation 31505
supplement calculated according to the following formula: 31506
The district's transportation supplement percentage X the amount 31507
calculated for the district under division (E)(2) of this section 31508

X 0.55

31509

Sec. 3317.0213. (A) The department of education shall compute 31510
and pay in accordance with this section additional state aid for 31511
preschool children with disabilities to each city, local, and 31512
exempted village school district and to each institution, as 31513
defined in section 3323.091 of the Revised Code. Funding shall be 31514
provided for children who are not enrolled in kindergarten and who 31515
are under age six on the thirtieth day of September of the 31516
academic year, or on the first day of August of the academic year 31517
if the school district in which the child is enrolled has adopted 31518
a resolution under division (A)(3) of section 3321.01 of the 31519
Revised Code, but not less than age three on the first day of 31520
December of the academic year. 31521

The additional state aid shall be calculated under the 31522
following formula: 31523

(\$4,000 X the number of students who are preschool children 31524
with disabilities) + the sum of the following: 31525

(1) The district's or institution's category one special 31526
education students who are preschool children with disabilities X 31527
the ~~amount~~ multiple specified in division (A) of section 3317.013 31528
of the Revised Code X the statewide average base cost per pupil 31529
for that fiscal year X the district's state share ~~index~~ percentage 31530
X 0.50; 31531

(2) The district's or institution's category two special 31532
education students who are preschool children with disabilities X 31533
the ~~amount~~ multiple specified in division (B) of section 3317.013 31534
of the Revised Code X the statewide average base cost per pupil 31535
for that fiscal year X the district's state share ~~index~~ percentage 31536
X 0.50; 31537

(3) The district's or institution's category three special 31538
education students who are preschool children with disabilities X 31539

the ~~amount~~ multiple specified in division (C) of section 3317.013 31540
of the Revised Code X the statewide average base cost per pupil 31541
for that fiscal year X the district's state share ~~index~~ percentage 31542
X 0.50; 31543

(4) The district's or institution's category four special 31544
education students who are preschool children with disabilities X 31545
the ~~amount~~ multiple specified in division (D) of section 3317.013 31546
of the Revised Code X the statewide average base cost per pupil 31547
for that fiscal year X the district's state share ~~index~~ percentage 31548
X 0.50; 31549

(5) The district's or institution's category five special 31550
education students who are preschool children with disabilities X 31551
the ~~amount~~ multiple specified in division (E) of section 3317.013 31552
of the Revised Code X the statewide average base cost per pupil 31553
for that fiscal year X the district's state share ~~index~~ percentage 31554
X 0.50; 31555

(6) The district's or institution's category six special 31556
education students who are preschool children with disabilities X 31557
the ~~amount~~ multiple specified in division (F) of section 3317.013 31558
of the Revised Code X the statewide average base cost per pupil 31559
for that fiscal year X the district's state share ~~index~~ percentage 31560
X 0.50. 31561

The special education disability categories for preschool 31562
children used in this section are the same categories prescribed 31563
in section 3317.013 of the Revised Code. 31564

As used in division (A) of this section, the state share 31565
~~index~~ percentage of a student enrolled in an institution is the 31566
state share ~~index~~ percentage of the school district in which the 31567
student is entitled to attend school under section 3313.64 or 31568
3313.65 of the Revised Code. 31569

(B) If an educational service center is providing services to 31570

students who are preschool children with disabilities under 31571
agreement with the city, local, or exempted village school 31572
district in which the students are entitled to attend school, that 31573
district may authorize the department to transfer funds computed 31574
under this section to the service center providing those services. 31575

(C) If a county DD board is providing services to students 31576
who are preschool children with disabilities under agreement with 31577
the city, local, or exempted village school district in which the 31578
students are entitled to attend school, the department shall 31579
deduct from the district's payment computed under division (A) of 31580
this section the total amount of those funds that are attributable 31581
to the students served by the county DD board and pay that amount 31582
to that board. 31583

Sec. 3317.0214. (A) The department shall compute and pay in 31584
accordance with this section additional state aid to school 31585
districts for students in categories two through six special 31586
education ADM. If a district's costs for the fiscal year for a 31587
student in its categories two through six special education ADM 31588
exceed the threshold catastrophic cost for serving the student, 31589
the district may submit to the superintendent of public 31590
instruction documentation, as prescribed by the superintendent, of 31591
all its costs for that student. Upon submission of documentation 31592
for a student of the type and in the manner prescribed, the 31593
department shall pay to the district an amount equal to the sum of 31594
the following: 31595

(1) One-half of the district's costs for the student in 31596
excess of the threshold catastrophic cost; 31597

(2) The product of one-half of the district's costs for the 31598
student in excess of the threshold catastrophic cost multiplied by 31599
the district's state share ~~index~~ percentage. 31600

(B) For purposes of division (A) of this section, the 31601

threshold catastrophic cost for serving a student equals: 31602

(1) For a student in the school district's category two, 31603
three, four, or five special education ADM, twenty-seven thousand 31604
three hundred seventy-five dollars; 31605

(2) For a student in the district's category six special 31606
education ADM, thirty-two thousand eight hundred fifty dollars. 31607

(C) The district shall report under division (A) of this 31608
section, and the department shall pay for, only the costs of 31609
educational expenses and the related services provided to the 31610
student in accordance with the student's individualized education 31611
program. Any legal fees, court costs, or other costs associated 31612
with any cause of action relating to the student may not be 31613
included in the amount. 31614

Sec. 3317.0215. (A) The department of education shall 31615
withhold from the aggregate amount paid for a fiscal year to each 31616
city, local, exempted village, and joint vocational school 31617
district, community school established under Chapter 3314. of the 31618
Revised Code, and science, technology, engineering, and 31619
mathematics school established under Chapter 3326. of the Revised 31620
Code an amount equal to the following: 31621

(1) In the case of a city, local, exempted village, or joint 31622
vocational school district, an amount calculated as follows: 31623

0.10 X [(the district's category one special education ADM X the 31624
multiple specified in division (A) of section 3317.013 of the 31625
Revised Code X the statewide average base cost per pupil for that 31626
fiscal year X the district's state share percentage) + (the 31627
district's category two special education ADM X the multiple 31628
specified in division (B) of section 3317.013 of the Revised Code 31629
X the statewide average base cost per pupil for that fiscal year X 31630
the district's state share percentage) + (the district's category 31631

three special education ADM X the multiple specified in division 31632
(C) of section 3317.013 of the Revised Code X the statewide 31633
average base cost per pupil for that fiscal year X the district's 31634
state share percentage) + (the district's category four special 31635
education ADM X the multiple specified in division (D) of section 31636
3317.013 of the Revised Code X the statewide average base cost per 31637
pupil for that fiscal year X the district's state share 31638
percentage) + (the district's category five special education ADM 31639
X the multiple specified in division (E) of section 3317.013 of 31640
the Revised Code X the statewide average base cost per pupil for 31641
that fiscal year X the district's state share percentage) + (the 31642
district's category six special education ADM X the multiple 31643
specified in division (F) of section 3317.013 of the Revised Code 31644
X the statewide average base cost per pupil for that fiscal year X 31645
the district's state share percentage)] 31646

(2) In the case of a community school, the aggregate amount 31647
of special education funding paid to the school under section 31648
3314.08 of the Revised Code times 0.10. 31649

(3) In the case of a science, technology, engineering, or 31650
mathematics school, the aggregate amount of special education 31651
funding paid to the school under section 3326.33 of the Revised 31652
Code times 0.10. 31653

(B) The department shall use the amount of funds withheld 31654
under division (A) of this section for purposes of division (C)(3) 31655
of section 3314.08 of the Revised Code, section 3317.0214 of the 31656
Revised Code, division (B) of section 3317.16 of the Revised Code, 31657
and section 3326.34 of the Revised Code. 31658

Sec. 3317.0217. Payment of the amount calculated for a school 31659
district under this section shall be made under division (A) of 31660
section 3317.022 of the Revised Code. 31661

(A) For each fiscal year, the department of education shall 31662

compute targeted assistance funds for city, local, and exempted 31663
village school districts, in accordance with the following 31664
formula: 31665
A district's capacity amount for that fiscal year calculated under 31666
division (B) of this section + a district's wealth amount for that 31667
fiscal year calculated under division (C) of this section 31668
(B) The department shall calculate each district's capacity 31669
amount for a fiscal year as follows: 31670
(1) Calculate each district's weighted wealth for that fiscal 31671
year, which equals the following sum: 31672
(The amount determined for the district for that fiscal year under 31673
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 31674
+ (the amount determined for the district for that fiscal year 31675
under division (A)(2)(a) of section 3317.017 of the Revised Code X 31676
0.4) 31677
(2) Determine the median weighted wealth of all school 31678
districts in this state for that fiscal year; 31679
(3) Compute each district's capacity index for that fiscal 31680
year by dividing the median weighted wealth of all school 31681
districts in this state for that fiscal year by the district's 31682
weighted wealth for that fiscal year; 31683
(4) Compute each district's capacity amount for that fiscal 31684
year as follows: 31685
(a) The district's capacity amount shall be zero if the 31686
district satisfies either of the following criteria for that 31687
fiscal year: 31688
(i) The district's capacity index is less than 1. 31689
(ii) The district's enrolled ADM is less than 200. 31690
(b) If the district does not satisfy either of the criteria 31691
specified in division (B)(4)(a) of this section for that fiscal 31692

year, the district's capacity amount for that fiscal year shall be 31693
calculated as follows: 31694

(i) Compute the following amount for the district: 31695

(The median weighted wealth of all school districts in this state 31696
for that fiscal year X 0.008) - (the district's weighted wealth 31697
for that fiscal year X 0.008) 31698

(ii) If the district's enrolled ADM for that fiscal year is 31699
greater than or equal to 200 but less than or equal to 400, the 31700
district's capacity amount for that fiscal year shall be equal to 31701
0.05 X the amount computed under division (B)(4)(b)(i) of this 31702
section. 31703

(iii) If the district's enrolled ADM for that fiscal year is 31704
greater than 400 and less than 600, the district's capacity amount 31705
for that fiscal year shall be calculated in accordance with the 31706
following formula: 31707

{[0.95 X (the district's enrolled ADM for that fiscal year - 31708
400)/200] + 0.05} X the amount computed under division 31709
(B)(4)(b)(i) of this section 31710

(iv) If the district's enrolled ADM for that fiscal year is 31711
greater than or equal to 600, the district's capacity amount for 31712
that fiscal year shall be equal to the amount computed under 31713
division (B)(4)(b)(i) of this section. 31714

(C) The department shall calculate each district's wealth 31715
amount for a fiscal year as follows: 31716

(1) Calculate each district's weighted wealth per pupil for 31717
that fiscal year, which equals the following quotient: 31718

The district's weighted wealth for that fiscal year calculated 31719
under division (B)(1) of this section/ (the district's enrolled 31720
ADM for that fiscal year - the students described in division 31721
(A)(1)(b) of section 3317.03 of the Revised Code + the students 31722
described in division (A)(2)(d) of section 3317.03 of the Revised 31723

<u>Code)</u>	31724
<u>(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;</u>	31725
	31726
<u>(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;</u>	31727
	31728
	31729
	31730
<u>(4) Compute each district's wealth amount for that fiscal year, as follows:</u>	31731
	31732
<u>(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.</u>	31733
	31734
	31735
<u>(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:</u>	31736
	31737
	31738
<u>[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the</u>	31739
<u>district's enrolled ADM for that fiscal year</u>	31740
	31741
	31742
	31743
<u>Sec. 3317.0218.</u> <u>For each fiscal year, the department of education shall compute and pay supplemental targeted assistance to each city, local, and exempted village school district as follows:</u>	31744
	31745
	31746
	31747
<u>(A) Determine if the district satisfies both of the following criteria:</u>	31748
	31749
<u>(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section is greater than 1.6;</u>	31750
	31751
	31752
	31753

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019.

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following:

(1) $\{[(\text{The number specified under division (A)(1) of this section} - 1.6) / (\text{the number determined under division (B) of this section} - 1.6)] \times 675\} + 75;$

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

Sec. 3317.03. (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, preschool scholarship ADM, transportation

ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership. 31784
31785

(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination: 31786
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31788
31789
31790

(a) Students enrolled in adult education classes; 31791

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code; 31792
31793
31794

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code; 31795
31796
31797
31798

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code; 31799
31800

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 31801
31802
31803

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code. 31804
31805
31806
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(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of 31808
31809
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the following entities: 31814

(a) A community school pursuant to Chapter 3314. of the 31815
Revised Code, including any participation in a college pursuant to 31816
Chapter 3365. of the Revised Code while enrolled in such community 31817
school; 31818

(b) An alternative school pursuant to sections 3313.974 to 31819
3313.979 of the Revised Code ~~as described in division (I)(2)(a) or~~ 31820
~~(b) of this section;~~ 31821

(c) A college pursuant to Chapter 3365. of the Revised Code, 31822
except when the student is enrolled in the college while also 31823
enrolled in a community school pursuant to Chapter 3314., a 31824
science, technology, engineering, and mathematics school 31825
established under Chapter 3326., or a college-preparatory boarding 31826
school established under Chapter 3328. of the Revised Code; 31827

(d) An adjacent or other school district under an open 31828
enrollment policy adopted pursuant to section 3313.98 of the 31829
Revised Code; 31830

(e) An educational service center or cooperative education 31831
district; 31832

(f) Another school district under a cooperative education 31833
agreement, compact, or contract; 31834

(g) A chartered nonpublic school with a scholarship paid 31835
under section 3310.08 of the Revised Code, if the students 31836
qualified for the scholarship under section 3310.03 of the Revised 31837
Code; 31838

(h) An alternative public provider or a registered private 31839
provider with a scholarship awarded under either section 3310.41 31840
or sections 3310.51 to 3310.64 of the Revised Code. 31841

As used in this section, "alternative public provider" and 31842
"registered private provider" have the same meanings as in section 31843

3310.41 or 3310.51 of the Revised Code, as applicable. 31844

(i) A science, technology, engineering, and mathematics 31845
school established under Chapter 3326. of the Revised Code, 31846
including any participation in a college pursuant to Chapter 3365. 31847
of the Revised Code while enrolled in the school; 31848

(j) A college-preparatory boarding school established under 31849
Chapter 3328. of the Revised Code, including any participation in 31850
a college pursuant to Chapter 3365. of the Revised Code while 31851
enrolled in the school. 31852

(3) The department also shall compile a list of the students 31853
entitled to attend school in the district under section 3313.64 or 31854
3313.65 of the Revised Code who are enrolled in a joint vocational 31855
school district or under a career-technical education compact, 31856
excluding any students so entitled to attend school in the 31857
district who are enrolled in another school district through an 31858
open enrollment policy as reported under division (A)(2)(d) of 31859
this section and then enroll in a joint vocational school district 31860
or under a career-technical education compact. 31861

The department shall provide each city, local, and exempted 31862
village school district with an opportunity to review the list of 31863
students compiled under divisions (A)(2) and (3) of this section 31864
to ensure that the students reported accurately reflect the 31865
enrollment of students in the district. 31866

(B) To enable the department of education to obtain the data 31867
needed to complete the calculation of payments pursuant to this 31868
chapter, each superintendent shall certify from the reports 31869
provided by the department under division (A) of this section all 31870
of the following: 31871

(1) The total student enrollment in regular learning day 31872
classes included in the report under division (A)(1) or (2) of 31873
this section for each of the individual grades kindergarten 31874

through twelve in schools under the superintendent's supervision;	31875
(2) The unduplicated count of the number of preschool	31876
children with disabilities enrolled in the district for whom the	31877
district is eligible to receive funding under section 3317.0213 of	31878
the Revised Code adjusted for the portion of the year each child	31879
is so enrolled, in accordance with the disability categories	31880
prescribed in section 3317.013 of the Revised Code;	31881
(3) The number of children entitled to attend school in the	31882
district pursuant to section 3313.64 or 3313.65 of the Revised	31883
Code who are:	31884
(a) Participating in a pilot project scholarship program	31885
established under sections 3313.974 to 3313.979 of the Revised	31886
Code as described in division (I)(2)(a) or (b) of this section;	31887
(b) Enrolled in a college under Chapter 3365. of the Revised	31888
Code, except when the student is enrolled in the college while	31889
also enrolled in a community school pursuant to Chapter 3314. of	31890
the Revised Code, a science, technology, engineering, and	31891
mathematics school established under Chapter 3326., or a	31892
college-preparatory boarding school established under Chapter	31893
3328. of the Revised Code;	31894
(c) Enrolled in an adjacent or other school district under	31895
section 3313.98 of the Revised Code;	31896
(d) Enrolled in a community school established under Chapter	31897
3314. of the Revised Code that is not an internet- or	31898
computer-based community school as defined in section 3314.02 of	31899
the Revised Code, including any participation in a college	31900
pursuant to Chapter 3365. of the Revised Code while enrolled in	31901
such community school;	31902
(e) Enrolled in an internet- or computer-based community	31903
school, as defined in section 3314.02 of the Revised Code,	31904
including any participation in a college pursuant to Chapter 3365.	31905

of the Revised Code while enrolled in the school;	31906
(f) Enrolled in a chartered nonpublic school with a	31907
scholarship paid under section 3310.08 of the Revised Code and who	31908
qualified for the scholarship under section 3310.03 of the Revised	31909
Code;	31910
(g) Enrolled in kindergarten through grade twelve in an	31911
alternative public provider or a registered private provider with	31912
a scholarship awarded under section 3310.41 of the Revised Code;	31913
(h) Enrolled as a preschool child with a disability in an	31914
alternative public provider or a registered private provider with	31915
a scholarship awarded under section 3310.41 of the Revised Code;	31916
(i) Participating in a program operated by a county board of	31917
developmental disabilities or a state institution;	31918
(j) Enrolled in a science, technology, engineering, and	31919
mathematics school established under Chapter 3326. of the Revised	31920
Code, including any participation in a college pursuant to Chapter	31921
3365. of the Revised Code while enrolled in the school;	31922
(k) Enrolled in a college-preparatory boarding school	31923
established under Chapter 3328. of the Revised Code, including any	31924
participation in a college pursuant to Chapter 3365. of the	31925
Revised Code while enrolled in the school;	31926
(l) Enrolled in an alternative public provider or a	31927
registered private provider with a scholarship awarded under	31928
sections 3310.51 to 3310.64 of the Revised Code.	31929
(4) The total enrollment of pupils in joint vocational	31930
schools;	31931
(5) The combined enrollment of children with disabilities	31932
reported under division (A)(1) or (2) of this section, <u>including</u>	31933
<u>any student described in division (A)(1)(b) of this section and</u>	31934
<u>excluding any student reported under divisions (A)(2)(a), (b),</u>	31935

(d), (g), (h), (i), and (j) of this section, receiving special 31936
education services for the category one disability described in 31937
division (A) of section 3317.013 of the Revised Code, including 31938
children attending a special education program operated by an 31939
alternative public provider or a registered private provider with 31940
a scholarship awarded under sections 3310.51 to 3310.64 of the 31941
Revised Code; 31942

(6) The combined enrollment of children with disabilities 31943
reported under division (A)(1) or (2) of this section, including 31944
any student described in division (A)(1)(b) of this section and 31945
excluding any student reported under divisions (A)(2)(a), (b), 31946
(d), (g), (h), (i), and (j) of this section, receiving special 31947
education services for category two disabilities described in 31948
division (B) of section 3317.013 of the Revised Code, including 31949
children attending a special education program operated by an 31950
alternative public provider or a registered private provider with 31951
a scholarship awarded under sections 3310.51 to 3310.64 of the 31952
Revised Code; 31953

(7) The combined enrollment of children with disabilities 31954
reported under division (A)(1) or (2) of this section, including 31955
any student described in division (A)(1)(b) of this section and 31956
excluding any student reported under divisions (A)(2)(a), (b), 31957
(d), (g), (h), (i), and (j) of this section, receiving special 31958
education services for category three disabilities described in 31959
division (C) of section 3317.013 of the Revised Code, including 31960
children attending a special education program operated by an 31961
alternative public provider or a registered private provider with 31962
a scholarship awarded under sections 3310.51 to 3310.64 of the 31963
Revised Code; 31964

(8) The combined enrollment of children with disabilities 31965
reported under division (A)(1) or (2) of this section, including 31966
any student described in division (A)(1)(b) of this section and 31967

excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including

any student described in division (A)(1)(b) of this section and 32000
excluding any student reported under divisions (A)(2)(a), (b), 32001
(d), (g), (h), (i), and (j) of this section, in category one 32002
career-technical education programs or classes, described in 32003
division (A)(1) of section 3317.014 of the Revised Code, operated 32004
by the school district or by another district that is a member of 32005
the district's career-technical planning district, other than a 32006
joint vocational school district, or by an educational service 32007
center, notwithstanding division ~~(G)~~(I) of section 3317.02 of the 32008
Revised Code and division (C)(3) of this section; 32009

(12) The enrollment of pupils reported under division (A)(1) 32010
or (2) of this section on a full-time equivalency basis, including 32011
any student described in division (A)(1)(b) of this section and 32012
excluding any student reported under divisions (A)(2)(a), (b), 32013
(d), (g), (h), (i), and (j) of this section, in category two 32014
career-technical education programs or services, described in 32015
division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, 32016
operated by the school district or another school district that is 32017
a member of the district's career-technical planning district, 32018
other than a joint vocational school district, or by an 32019
educational service center, notwithstanding division ~~(G)~~(I) of 32020
section 3317.02 of the Revised Code and division (C)(3) of this 32021
section; 32022

(13) The enrollment of pupils reported under division (A)(1) 32023
or (2) of this section on a full-time equivalency basis, including 32024
any student described in division (A)(1)(b) of this section and 32025
excluding any student reported under divisions (A)(2)(a), (b), 32026
(d), (g), (h), (i), and (j) of this section, in category three 32027
career-technical education programs or services, described in 32028
division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code, 32029
operated by the school district or another school district that is 32030
a member of the district's career-technical planning district, 32031

other than a joint vocational school district, or by an 32032
educational service center, notwithstanding division ~~(G)~~(I) of 32033
section 3317.02 of the Revised Code and division (C)(3) of this 32034
section; 32035

(14) The enrollment of pupils reported under division (A)(1) 32036
or (2) of this section on a full-time equivalency basis, including 32037
any student described in division (A)(1)(b) of this section and 32038
excluding any student reported under divisions (A)(2)(a), (b), 32039
(d), (g), (h), (i), and (j) of this section, in category four 32040
career-technical education programs or services, described in 32041
division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, 32042
operated by the school district or another school district that is 32043
a member of the district's career-technical planning district, 32044
other than a joint vocational school district, or by an 32045
educational service center, notwithstanding division ~~(G)~~(I) of 32046
section 3317.02 of the Revised Code and division (C)(3) of this 32047
section; 32048

(15) The enrollment of pupils reported under division (A)(1) 32049
or (2) of this section on a full-time equivalency basis, including 32050
any student described in division (A)(1)(b) of this section and 32051
excluding any student reported under divisions (A)(2)(a), (b), 32052
(d), (g), (h), (i), and (j) of this section, in category five 32053
career-technical education programs or services, described in 32054
division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, 32055
operated by the school district or another school district that is 32056
a member of the district's career-technical planning district, 32057
other than a joint vocational school district, or by an 32058
educational service center, notwithstanding division ~~(G)~~(I) of 32059
section 3317.02 of the Revised Code and division (C)(3) of this 32060
section; 32061

(16) The enrollment of pupils reported under division (A)(1) 32062
or (2) of this section who are English learners described in 32063

division (A) of section 3317.016 of the Revised Code, including 32064
any student described in division (A)(1)(b) of this section and 32065
excluding any student reported under ~~division (B)(3)(e) divisions~~ 32066
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 32067
~~enrolled in an internet or computer based community school;~~ 32068

(17) The enrollment of pupils reported under division (A)(1) 32069
or (2) of this section who are English learners described in 32070
division (B) of section 3317.016 of the Revised Code, including 32071
any student described in division (A)(1)(b) of this section and 32072
excluding any student reported under ~~division (B)(3)(e) divisions~~ 32073
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 32074
~~enrolled in an internet or computer based community school;~~ 32075

(18) The enrollment of pupils reported under division (A)(1) 32076
or (2) of this section who are English learners described in 32077
division (C) of section 3317.016 of the Revised Code, including 32078
any student described in division (A)(1)(b) of this section and 32079
excluding any student reported under ~~division (B)(3)(e) divisions~~ 32080
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 32081
~~enrolled in an internet or computer based community school;~~ 32082

(19) The average number of children transported during the 32083
reporting period by the school district on board-owned or 32084
contractor-owned and -operated buses, reported in accordance with 32085
rules adopted by the department of education; 32086

(20)(a) The number of children, other than preschool children 32087
with disabilities, the district placed with a county board of 32088
developmental disabilities in fiscal year 1998. Division 32089
(B)(20)(a) of this section does not apply after fiscal year 2013. 32090

(b) The number of children with disabilities, other than 32091
preschool children with disabilities, placed with a county board 32092
of developmental disabilities in the current fiscal year to 32093
receive special education services for the category one disability 32094

described in division (A) of section 3317.013 of the Revised Code; 32095

(c) The number of children with disabilities, other than 32096
preschool children with disabilities, placed with a county board 32097
of developmental disabilities in the current fiscal year to 32098
receive special education services for category two disabilities 32099
described in division (B) of section 3317.013 of the Revised Code; 32100

(d) The number of children with disabilities, other than 32101
preschool children with disabilities, placed with a county board 32102
of developmental disabilities in the current fiscal year to 32103
receive special education services for category three disabilities 32104
described in division (C) of section 3317.013 of the Revised Code; 32105

(e) The number of children with disabilities, other than 32106
preschool children with disabilities, placed with a county board 32107
of developmental disabilities in the current fiscal year to 32108
receive special education services for category four disabilities 32109
described in division (D) of section 3317.013 of the Revised Code; 32110

(f) The number of children with disabilities, other than 32111
preschool children with disabilities, placed with a county board 32112
of developmental disabilities in the current fiscal year to 32113
receive special education services for the category five 32114
disabilities described in division (E) of section 3317.013 of the 32115
Revised Code; 32116

(g) The number of children with disabilities, other than 32117
preschool children with disabilities, placed with a county board 32118
of developmental disabilities in the current fiscal year to 32119
receive special education services for category six disabilities 32120
described in division (F) of section 3317.013 of the Revised Code. 32121

(21) The enrollment of students who are economically 32122
disadvantaged, as defined by the department, including any student 32123
described in divisions (A)(1)(b) of this section and excluding any 32124
student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), 32125

~~(b), (d), (g), (h), (i), and (j)~~ of this section as ~~enrolled in an~~ 32126
~~internet or computer based community school~~. A student shall not 32127
be categorically excluded from the number reported under division 32128
(B)(21) of this section based on anything other than family 32129
income. 32130

(22) The enrollment of students identified as gifted under 32131
division (A), (B), (C), or (D) of section 3324.03 of the Revised 32132
Code. 32133

(C)(1) The state board of education shall adopt rules 32134
necessary for implementing divisions (A), (B), and (D) of this 32135
section. 32136

(2) A student enrolled in a community school established 32137
under Chapter 3314., a science, technology, engineering, and 32138
mathematics school established under Chapter 3326., or a 32139
college-preparatory boarding school established under Chapter 32140
3328. of the Revised Code shall be counted in the formula ADM ~~and,~~ 32141
~~if applicable, the category one, two, three, four, five, or six~~ 32142
~~special education ADM~~ of the school district in which the student 32143
is entitled to attend school under section 3313.64 or 3313.65 of 32144
the Revised Code for the same proportion of the school year that 32145
the student is counted in the enrollment of the community school, 32146
the science, technology, engineering, and mathematics school, or 32147
the college-preparatory boarding school for purposes of section 32148
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 32149
the enrollment of students certified pursuant to division 32150
(B)(3)(d), (e), (j), or (k) of this section, the department may 32151
adjust the formula ADM of a school district to account for 32152
students entitled to attend school in the district under section 32153
3313.64 or 3313.65 of the Revised Code who are enrolled in a 32154
community school, a science, technology, engineering, and 32155
mathematics school, or a college-preparatory boarding school for 32156
only a portion of the school year. 32157

(3) No child shall be counted as more than a total of one 32158
child in the sum of the enrollment of students of a school 32159
district under division (A), divisions (B)(1) to (22), or division 32160
(D) of this section, except as follows: 32161

(a)(i) A child with a disability described in section 32162
3317.013 of the Revised Code may be counted both in formula ADM 32163
and in category one, two, three, four, five, or six special 32164
education ADM and, if applicable, in category one, two, three, 32165
four, or five career-technical education ADM. As provided in 32166
division ~~(G)~~ (I) of section 3317.02 of the Revised Code, such a 32167
child shall be counted in category one, two, three, four, five, or 32168
six special education ADM in the same proportion that the child is 32169
counted in formula ADM. 32170

(ii) A child with a disability described in section 3317.03 32171
of the Revised Code may be counted both in enrolled ADM and in 32172
category one, two, three, four, five, or six special education ADM 32173
and, if applicable, in category one, two, three, four, or five 32174
career-technical education ADM. As provided in division (I) of 32175
section 3317.02 of the Revised Code, such a child shall be counted 32176
in category one, two, three, four, five, or six special education 32177
ADM in the same proportion that the child is counted in enrolled 32178
ADM. 32179

(b)(i) A child enrolled in career-technical education 32180
programs or classes described in section 3317.014 of the Revised 32181
Code may be counted both in formula ADM and category one, two, 32182
three, four, or five career-technical education ADM and, if 32183
applicable, in category one, two, three, four, five, or six 32184
special education ADM. Such a child shall be counted in category 32185
one, two, three, four, or five career-technical education ADM in 32186
the same proportion as the percentage of time that the child 32187
spends in the career-technical education programs or classes. 32188

(ii) A child enrolled in career-technical education programs 32189

or classes described in section 3317.014 of the Revised Code may 32190
be counted both in enrolled ADM and category one, two, three, 32191
four, or five career-technical education ADM and, if applicable, 32192
in category one, two, three, four, five, or six special education 32193
ADM. Such a child shall be counted in category one, two, three, 32194
four, or five career-technical education ADM in the same 32195
proportion as the percentage of time that the child spends in the 32196
career-technical education programs or classes. 32197

(4) Based on the information reported under this section, the 32198
department of education shall determine the total student count, 32199
as defined in section 3301.011 of the Revised Code, for each 32200
school district. 32201

(D)(1) The superintendent of each joint vocational school 32202
district shall report and certify to the superintendent of public 32203
instruction as of the last day of October, March, and June of each 32204
year the enrollment of students receiving services from schools 32205
under the superintendent's supervision so that the department can 32206
calculate the district's enrolled ADM, formula ADM, total ADM, 32207
category one through five career-technical education ADM, category 32208
one through three English learner ADM, category one through six 32209
special education ADM, and for purposes of provisions of law 32210
outside of Chapter 3317. of the Revised Code, average daily 32211
membership. 32212

The enrollment reported and certified by the superintendent, 32213
except as otherwise provided in this division, shall consist of 32214
the number of students in grades six through twelve receiving any 32215
educational services from the district, except that the following 32216
categories of students shall not be included in the determination: 32217

(a) Students enrolled in adult education classes; 32218

(b) Adjacent or other district joint vocational students 32219
enrolled in the district under an open enrollment policy pursuant 32220

to section 3313.98 of the Revised Code;	32221
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	32222 32223 32224 32225 32226
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	32227 32228
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:	32229 32230 32231 32232 32233
(a) Students enrolled in each individual grade included in the joint vocational district schools, <u>including any student described in division (D)(1)(b) of this section;</u>	32234 32235 32236
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32237 32238 32239 32240
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32241 32242 32243 32244
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32245 32246 32247 32248
(e) Children with disabilities receiving special education services for category four disabilities described in division (D)	32249 32250

of section 3317.013 of the Revised Code, <u>including any student</u>	32251
<u>described in division (D)(1)(b) of this section;</u>	32252
(f) Children with disabilities receiving special education	32253
services for the category five disabilities described in division	32254
(E) of section 3317.013 of the Revised Code, <u>including any student</u>	32255
<u>described in division (D)(1)(b) of this section;</u>	32256
(g) Children with disabilities receiving special education	32257
services for category six disabilities described in division (F)	32258
of section 3317.013 of the Revised Code, <u>including any student</u>	32259
<u>described in division (D)(1)(b) of this section;</u>	32260
(h) Students receiving category one career-technical	32261
education services, described in division (A) <u>(1)</u> of section	32262
3317.014 of the Revised Code, <u>including any student described in</u>	32263
<u>division (D)(1)(b) of this section;</u>	32264
(i) Students receiving category two career-technical	32265
education services, described in division (B) <u>(A)(2)</u> of section	32266
3317.014 of the Revised Code, <u>including any student described in</u>	32267
<u>division (D)(1)(b) of this section;</u>	32268
(j) Students receiving category three career-technical	32269
education services, described in division (C) <u>(A)(3)</u> of section	32270
3317.014 of the Revised Code, <u>including any student described in</u>	32271
<u>division (D)(1)(b) of this section;</u>	32272
(k) Students receiving category four career-technical	32273
education services, described in division (D) <u>(A)(4)</u> of section	32274
3317.014 of the Revised Code, <u>including any student described in</u>	32275
<u>division (D)(1)(b) of this section;</u>	32276
(l) Students receiving category five career-technical	32277
education services, described in division (E) <u>(A)(5)</u> of section	32278
3317.014 of the Revised Code, <u>including any student described in</u>	32279
<u>division (D)(1)(b) of this section;</u>	32280

(m) English learners described in division (A) of section 3317.016 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32281 32282 32283
(n) English learners described in division (B) of section 3317.016 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32284 32285 32286
(o) English learners described in division (C) of section 3317.016 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>	32287 32288 32289
(p) Students who are economically disadvantaged, as defined by the department, <u>including any student described in division (D)(1)(b) of this section.</u> A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.	32290 32291 32292 32293 32294
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	32295 32296 32297 32298 32299
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) <u>or (D)</u> of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil	32300 32301 32302 32303 32304 32305 32306 32307 32308 32309 32310 32311

shall not be counted as enrolled from and after the date of such withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section

3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

The enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, ~~and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district ~~from in~~ which the ~~department deducts funds for the scholarship under section 3310.08 of the Revised Code~~ student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district ~~from in~~ which the ~~department deducts funds for the scholarship under section 3310.55 of the Revised Code~~ student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the

superintendent of public instruction. 32407

(2) The superintendent of each county board of developmental 32408
disabilities that maintains special education classes under 32409
section 3317.20 of the Revised Code or provides services to 32410
preschool children with disabilities pursuant to an agreement 32411
between the county board and the appropriate school district shall 32412
do both of the following: 32413

(a) Certify to the state board, in the manner prescribed by 32414
the board, the enrollment in classes under section 3317.20 of the 32415
Revised Code for each school district that has placed children in 32416
the classes; 32417

(b) Certify to the state board, in the manner prescribed by 32418
the board, the unduplicated count of the number of all preschool 32419
children with disabilities enrolled in classes for which the board 32420
is eligible to receive funding under section 3317.0213 of the 32421
Revised Code adjusted for the portion of the year each child is so 32422
enrolled, reported according to the categories prescribed in 32423
section 3317.013 of the Revised Code, and the number of those 32424
classes. 32425

(H) Except as provided in division (I) of this section, when 32426
any city, local, or exempted village school district provides 32427
instruction for a nonresident pupil whose attendance is 32428
unauthorized attendance as defined in section 3327.06 of the 32429
Revised Code, that pupil's enrollment shall not be included in 32430
that district's enrollment figure used in calculating the 32431
district's payments under this chapter. The reporting official 32432
shall report separately the enrollment of all pupils whose 32433
attendance in the district is unauthorized attendance, and the 32434
enrollment of each such pupil shall be credited to the school 32435
district in which the pupil is entitled to attend school under 32436
division (B) of section 3313.64 or section 3313.65 of the Revised 32437
Code as determined by the department of education. 32438

(I)~~(1)~~ This division shall not apply on or after the 32439
effective date of this amendment. 32440

(1) A city, local, exempted village, or joint vocational 32441
school district admitting a scholarship student of a pilot project 32442
district pursuant to division (C) of section 3313.976 of the 32443
Revised Code may count such student in its enrollment. 32444

(2) In any year for which funds are appropriated for pilot 32445
project scholarship programs, a school district implementing a 32446
state-sponsored pilot project scholarship program that year 32447
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 32448
count in its enrollment: 32449

(a) All children residing in the district and utilizing a 32450
scholarship to attend kindergarten in any alternative school, as 32451
defined in section 3313.974 of the Revised Code; 32452

(b) All children who were enrolled in the district in the 32453
preceding year who are utilizing a scholarship to attend an 32454
alternative school. 32455

(J) The superintendent of each cooperative education school 32456
district shall certify to the superintendent of public 32457
instruction, in a manner prescribed by the state board of 32458
education, the applicable enrollments for all students in the 32459
cooperative education district, also indicating the city, local, 32460
or exempted village district where each pupil is entitled to 32461
attend school under section 3313.64 or 3313.65 of the Revised 32462
Code. 32463

(K) If the superintendent of public instruction determines 32464
that a component of the enrollment certified or reported by a 32465
district superintendent, or other reporting entity, is not 32466
correct, the superintendent of public instruction may order that 32467
the ~~formula ADM used for the purposes of payments under any~~ 32468
~~section of Title XXXIII of the Revised Code~~ district's enrolled 32469

ADM, formula ADM, or both be adjusted in the amount of the error. 32470

~~Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 32471
means a school district's formula ADM minus the number of students 32472
reported by a district under divisions (A)(2)(a) and (i) of 32473
section 3317.03 of the Revised Code. 32474~~

~~(B)~~ The department of education shall compute and pay to a 32475
school district funds based on units for services to students 32476
identified as gifted under Chapter 3324. of the Revised Code as 32477
prescribed by this section. 32478

~~(C)~~(B) The department shall allocate gifted units for a 32479
school district as follows: 32480

(1) One gifted coordinator unit shall be allocated for every 32481
3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a 32482
minimum of 0.5 units and a maximum of 8 units allocated for the 32483
district. 32484

(2) One kindergarten through eighth grade gifted intervention 32485
specialist unit shall be allocated for every ~~1,100~~ 140 gifted 32486
students ~~in a district's gifted unit ADM~~ enrolled in grades 32487
kindergarten through eight in the district, as certified under 32488
division (B)(22) of section 3317.03 of the Revised Code, with a 32489
minimum of 0.3 units allocated for the district. 32490

~~(D)~~(3) One ninth through twelfth grade gifted intervention 32491
specialist unit shall be allocated for every 140 gifted students 32492
enrolled in grades nine through twelve in the district, as 32493
certified under division (B)(22) of section 3317.03 of the Revised 32494
Code, with a minimum of 0.3 units allocated for the district. 32495

(C) The department shall pay the following amount to a school 32496
district for gifted units: 32497
~~\$37,370 multiplied by~~ (\$85,776 X the number of units allocated to 32498
a school district under division ~~(C)~~ (B)(1) of this section X the 32499

district's state share percentage) + (\$89,378 X the number of 32500
units allocated to a school district under division (B)(2) of this 32501
section X the district's state share percentage) + (\$80,974 X the 32502
number of units allocated to a school district under division 32503
(B)(3) of this section X the district's state share percentage) 32504

~~(E)~~(D) A school district may assign gifted unit funding that 32505
it receives under division ~~(D)~~ (C) of this section to another 32506
school district, an educational service center, a community 32507
school, or a STEM school as part of an arrangement to provide 32508
services to the district. 32509

Sec. 3317.071. For fiscal year 2022 and for each fiscal year 32510
thereafter, the department of education shall implement a program 32511
to distribute bus purchasing grants of not less than \$45,000 to 32512
city, local, and exempted village school districts for the purpose 32513
of replacing the oldest and highest mileage buses in the state 32514
assigned to routes. The department shall annually collect age, 32515
mileage, and vehicle condition data from districts through its 32516
transportation data collection system. 32517

Sec. 3317.072. (A) The transportation collaboration fund is 32518
hereby created in the state treasury. The fund shall consist of 32519
money appropriated for this purpose by the general assembly. The 32520
department of education shall use money in the fund for grants 32521
awarded under this section. 32522

(B)(1) The department shall award transportation 32523
collaboration grants each fiscal year to city, local, and exempted 32524
village school districts for efforts that lead to shared resource 32525
management, routing consolidation, regional collaboration, or 32526
other activities that have the potential to reduce transportation 32527
operating costs. 32528

(2) The department shall determine the amount of each grant 32529

<u>awarded, but no grant shall exceed \$10,000 for any fiscal year.</u>	32530
<u>(3) The department shall adopt rules regarding all of the following:</u>	32531
<u>(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted;</u>	32532
<u>(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted;</u>	32533
<u>districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted;</u>	32534
<u>submitted;</u>	32535
<u>submitted;</u>	32536
<u>(b) The application form for grants awarded under this section;</u>	32537
<u>section;</u>	32538
<u>(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years;</u>	32539
<u>eligible to renew their grants in future fiscal years;</u>	32540
<u>(d) Any other rules necessary to implement the provisions of this section.</u>	32541
<u>this section.</u>	32542
<u>Sec. 3317.11. (A) As used in this section:</u>	32543
<u>(1) "Base amount" is equal to \$356,250.</u>	32544
<u>(2) "Funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020.</u>	32545
<u>(2) "Funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020.</u>	32546
<u>(2) "Funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020.</u>	32547
<u>(3) "General phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.</u>	32548
<u>(3) "General phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.</u>	32549
<u>(3) "General phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.</u>	32550
<u>(4) "Student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.</u>	32551
<u>(4) "Student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.</u>	32552
<u>(B) For each fiscal year, the department of education shall pay the governing board of each educational service center an amount equal to the following:</u>	32553
<u>pay the governing board of each educational service center an amount equal to the following:</u>	32554
<u>amount equal to the following:</u>	32555
<u>The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service</u>	32556
<u>calculated for the educational service center for that fiscal year under division (C) of this section - the educational service</u>	32557
<u>under division (C) of this section - the educational service</u>	32558

center's funding base) X the educational service center's general 32559
phase-in percentage for that fiscal year] 32560

(C) For each fiscal year, the department shall calculate an 32561
amount for each educational service center as follows: 32562

(1) If the educational service center has a student count of 32563
5,000 students or less, the base amount. 32564

(2) If the educational service center has a student count 32565
greater than 5,000 students but less than or equal to 35,000 32566
students, the following sum: 32567
The base amount + [(the educational service center's student count 32568
- 5,000) X \$24.72] 32569

(3) If the educational service center has a student count 32570
greater than 35,000 students, the following sum: 32571
The base amount + (30,000 X \$24.72) + [(the educational service 32572
center's student count - 35,000) X \$30.90] 32573

Sec. 3317.16. ~~(A)~~ The department of education shall compute 32574
and distribute state core foundation funding to each joint 32575
vocational school district for the fiscal year ~~as prescribed in~~ 32576
~~the following divisions~~ in accordance with the following formula: 32577
The district's funding base + [(the district's state core 32578
foundation funding components for that fiscal year calculated 32579
under divisions (A)(1), (2), (4), (5), and (6) of this section - 32580
the district's general funding base) X the district's general 32581
phase-in percentage for that fiscal year] + [(the district's 32582
disadvantaged pupil impact aid for that fiscal year calculated 32583
under division (A)(3) of this section - the district's 32584
disadvantaged pupil impact aid funding base) X the district's 32585
phase-in percentage for disadvantaged pupil impact aid for that 32586
fiscal year] 32587

(A) A district's state core foundation funding components 32588
shall be all of the following: 32589

(1) ~~An opportunity grant~~ The district's state share of the 32590
base cost calculated according to the following formula: 32591
(~~The formula amount X formula ADM~~ district's base cost calculated 32592
under section 3317.012 of the Revised Code) - (0.0005 X the lesser 32593
of the district's three-year average valuation or the district's 32594
most recent valuation) 32595

However, no district shall receive an ~~opportunity grant~~ 32596
amount under division (A)(1) of this section that is less than 32597
0.05 times the ~~formula amount times formula ADM~~ base cost 32598
calculated for the district under section 3317.012 of the Revised 32599
Code. 32600

(2) Additional state aid for special education and related 32601
services provided under Chapter 3323. of the Revised Code 32602
calculated as the sum of the following: 32603

(a) The district's category one special education ADM X the 32604
~~amount~~ multiple specified in division (A) of section 3317.013 of 32605
the Revised Code X the statewide average base cost per pupil for 32606
that fiscal year X the district's state share percentage; 32607

(b) The district's category two special education ADM X the 32608
~~amount~~ multiple specified in division (B) of section 3317.013 of 32609
the Revised Code X the statewide average base cost per pupil for 32610
that fiscal year X the district's state share percentage; 32611

(c) The district's category three special education ADM X the 32612
~~amount~~ multiple specified in division (C) of section 3317.013 of 32613
the Revised Code X the statewide average base cost per pupil for 32614
that fiscal year X the district's state share percentage; 32615

(d) The district's category four special education ADM X the 32616
~~amount~~ multiple specified in division (D) of section 3317.013 of 32617
the Revised Code X the statewide average base cost per pupil for 32618
that fiscal year X the district's state share percentage; 32619

(e) The district's category five special education ADM X the 32620

~~amount multiple~~ specified in division (E) of section 3317.013 of 32621
the Revised Code X the statewide average base cost per pupil for 32622
that fiscal year X the district's state share percentage; 32623

(f) The district's category six special education ADM X the 32624
~~amount multiple~~ specified in division (F) of section 3317.013 of 32625
the Revised Code X the statewide average base cost per pupil for 32626
that fiscal year X the district's state share percentage. 32627

(3) ~~Economically disadvantaged funds~~ Disadvantaged pupil 32628
impact aid calculated according to the following formula: 32629
~~\$272~~ \$422 X the district's economically disadvantaged index X the 32630
number of students who are economically disadvantaged as certified 32631
under division (D)(2)(p) of section 3317.03 of the Revised Code 32632

(4) English learner funds calculated as the sum of the 32633
following: 32634

(a) The district's category one English learner ADM X the 32635
~~amount multiple~~ specified in division (A) of section 3317.016 of 32636
the Revised Code X the statewide average base cost per pupil for 32637
that fiscal year X the district's state share percentage; 32638

(b) The district's category two English learner ADM X the 32639
~~amount multiple~~ specified in division (B) of section 3317.016 of 32640
the Revised Code X the statewide average base cost per pupil for 32641
that fiscal year X the district's state share percentage; 32642

(c) The district's category three English learner ADM X the 32643
~~amount multiple~~ specified in division (C) of section 3317.016 of 32644
the Revised Code X the statewide average base cost per pupil for 32645
that fiscal year X the district's state share percentage. 32646

(5) Career-technical education funds calculated ~~as the sum of~~ 32647
~~the following:~~ 32648

~~(a) The district's category one career technical education~~ 32649
~~ADM X the amount specified in division (A) of section 3317.014 of~~ 32650

~~the Revised Code X the district's state share percentage;~~ 32651

~~(b) The district's category two career technical education~~ 32652
~~ADM X the amount specified in division (B) of section 3317.014 of~~ 32653
~~the Revised Code X the district's state share percentage;~~ 32654

~~(c) The district's category three career technical education~~ 32655
~~ADM X the amount specified in division (C) of section 3317.014 of~~ 32656
~~the Revised Code X the district's state share percentage;~~ 32657

~~(d) The district's category four career technical education~~ 32658
~~ADM X the amount specified in division (D) of section 3317.014 of~~ 32659
~~the Revised Code X the district's state share percentage;~~ 32660

~~(e) The district's category five career technical education~~ 32661
~~ADM X the amount specified in division (E) of section 3317.014 of~~ 32662
~~the Revised Code X the district's state share percentage.~~ 32663

~~Payment of funds under division (A)(5) of this section is~~ 32664
~~subject to approval under section 3317.161 of the Revised Code~~ 32665
~~under division (C) of section 3317.014 of the Revised Code.~~ 32666

(6) Career-technical education associated services funds 32667
calculated under the following formula: 32668

~~The district's state share percentage X the~~ 32669
~~amount for career technical education associated services~~ 32670
~~specified in section 3317.014 of the Revised Code X the sum of~~ 32671
~~categories one through five career technical~~ 32672
~~education ADM~~ 32673

~~(7) A graduation bonus calculated according to the following~~ 32674
~~formula:~~ 32675

~~The district's graduation rate as reported on its most recent~~ 32676
~~report card issued by the department under section 3302.033 of the~~ 32677
~~Revised Code X 0.075 X the formula amount X the number of the~~ 32678
~~district's students who received high school or honors high school~~ 32679
~~diplomas as reported by the district to the department, in~~ 32680

~~accordance with the guidelines adopted under section 3301.0714 of 32681
the Revised Code, for the same school year for which the most 32682
recent report card was issued X the district's state share 32683
percentage division (D) of section 3317.014 of the Revised Code. 32684~~

(B)(1) If a joint vocational school district's costs for a 32685
fiscal year for a student in its categories two through six 32686
special education ADM exceed the threshold catastrophic cost for 32687
serving the student, as specified in division (B) of section 32688
3317.0214 of the Revised Code, the district may submit to the 32689
superintendent of public instruction documentation, as prescribed 32690
by the superintendent, of all of its costs for that student. Upon 32691
submission of documentation for a student of the type and in the 32692
manner prescribed, the department shall pay to the district an 32693
amount equal to the sum of the following: 32694

(a) One-half of the district's costs for the student in 32695
excess of the threshold catastrophic cost; 32696

(b) The product of one-half of the district's costs for the 32697
student in excess of the threshold catastrophic cost multiplied by 32698
the district's state share percentage. 32699

(2) The district shall report under division (B)(1) of this 32700
section, and the department shall pay for, only the costs of 32701
educational expenses and the related services provided to the 32702
student in accordance with the student's individualized education 32703
program. Any legal fees, court costs, or other costs associated 32704
with any cause of action relating to the student may not be 32705
included in the amount. 32706

(C)(1) For each student with a disability receiving special 32707
education and related services under an individualized education 32708
program, as defined in section 3323.01 of the Revised Code, at a 32709
joint vocational school district, the resident district or, if the 32710
student is enrolled in a community school, the community school 32711
shall be responsible for the amount of any costs of providing 32712

those special education and related services to that student that 32713
exceed the sum of the amount calculated for those services 32714
attributable to that student under division (A) of this section. 32715

Those excess costs shall be calculated using a formula 32716
approved by the department. 32717

(2) The board of education of the joint vocational school 32718
district may report the excess costs calculated under division 32719
(C)(1) of this section to the department of education. 32720

(3) If the board of education of the joint vocational school 32721
district reports excess costs under division (C)(2) of this 32722
section, the department shall pay the amount of excess cost 32723
calculated under division (C)(2) of this section to the joint 32724
vocational school district and shall deduct that amount as 32725
provided in division (C)(3)(a) or (b) of this section, as 32726
applicable: 32727

(a) If the student is not enrolled in a community school, the 32728
department shall deduct the amount from the account of the 32729
student's resident district pursuant to division (J) of section 32730
3317.023 of the Revised Code. 32731

(b) If the student is enrolled in a community school, the 32732
department shall deduct the amount from the account of the 32733
community school pursuant to section 3314.083 of the Revised Code. 32734

~~(D)(1) In any fiscal year, a school district receiving funds 32735
under division (A)(5) of this section shall spend those funds only 32736
for the purposes that the department designates as approved for 32737
career technical education expenses. Career technical education 32738
expenses approved by the department shall include only expenses 32739
connected to the delivery of career technical programming to 32740
career technical students. The department shall require the school 32741
district to report data annually so that the department may 32742
monitor the district's compliance with the requirements regarding 32743~~

~~the manner in which funding received under division (A)(5) of this section may be spent.~~ 32744
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~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~ 32746
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~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~ 32748
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~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~ 32758
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~~(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career technical education services, career technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.~~ 32760
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~~(F) A joint vocational school district shall spend the funds~~ 32774

it receives under division (A)(3) of this section in accordance 32775
with section 3317.25 of the Revised Code. 32776

~~(G)(E) In any fiscal year, a school district shall spend the 32777
funds it receives under division (A)(4) of this section only for 32778
services for English learners. 32779~~

(F) As used in this section: 32780

(1) "Community school" means a community school established 32781
under Chapter 3314. of the Revised Code. 32782

(2) "Resident district" means the city, local, or exempted 32783
village school district in which a student is entitled to attend 32784
school under section 3313.64 or 3313.65 of the Revised Code. 32785

~~(3) "State share percentage" is equal to the following: 32786
The amount computed under division (A)(1) of this section / 32787
(the formula amount X formula ADM) 32788~~

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the 32790
department of education shall pay temporary transitional aid to 32791
each joint vocational school district according to the following 32792
formula: 32793

(The district's funding base, as that term is defined in section 32794
3317.02 of the Revised Code) - (the district's payment under 32795
section 3317.16 of the Revised Code for the fiscal year for which 32796
the payment is computed) 32797

If the computation made under division (A) of this section 32798
results in a negative number, the district's funding under 32799
division (A) of this section shall be zero. 32800

(B) For fiscal year 2024 and for each fiscal year thereafter, 32801
the department shall pay temporary transitional aid to each joint 32802
vocational school district according to the following formula: 32803

(The district's guaranteed funding for the third preceding fiscal 32804
year / the average of the district's enrolled ADM for the third, 32805

fourth, and fifth preceding fiscal years) - (the district's 32806
payment under section 3317.16 of the Revised Code for the fiscal 32807
year for which the payment is calculated / the district's enrolled 32808
ADM for the fiscal year for which the payment is calculated) X the 32809
district's enrolled ADM for the fiscal year for which the payment 32810
is calculated 32811

If the computation made under this division results in a 32812
negative number, the district's funding under this division shall 32813
be zero. 32814

For purposes of this computation, a district's "guaranteed 32815
funding" means the following: 32816

(1) For fiscal year 2021, the district's funding base, as 32817
that term is defined in section 3317.02 of the Revised Code; 32818

(2) For fiscal years 2022 and 2023, the district's payment 32819
for that fiscal year under section 3317.16 of the Revised Code 32820
plus the district's payment for that fiscal year under division 32821
(A) of this section; 32822

(3) For fiscal year 2024 and for each fiscal year thereafter, 32823
the district's payment for that fiscal year under section 3317.16 32824
of the Revised Code plus the district's payment for that fiscal 32825
year under division (B) of this section. 32826

(C) If a joint vocational school district begins receiving 32827
payments under section 3317.16 of the Revised Code for fiscal year 32828
2022 or for any fiscal year thereafter but does not receive 32829
payments for the fiscal year immediately preceding that fiscal 32830
year, the department shall establish the following as an amount 32831
equal to the absolute value of the sum of the associated 32832
adjustments of any local school district's funding base under 32833
division (C) of section 3317.019 of the Revised Code: 32834

(1) For purposes of division (A) of this section, the 32835
district's funding base, as that term is defined in section 32836

<u>3317.02 of the Revised Code.</u>	32837
<u>(2) For purposes of division (B) of this section, the district's guaranteed funding.</u>	32838
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Sec. 3317.20. This section does not apply to preschool children with disabilities.	32840
	32841
(A) As used in this section:	32842
(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.	32843
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(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	32846
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	32848
(3) "State share index <u>percentage</u> " means the state share index <u>percentage</u> of the child's school district.	32849
	32850
(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the formula amount <u>statewide average base cost per pupil</u> + (state share index <u>percentage</u> X the applicable special education amount <u>weight X the statewide average base cost per pupil</u>).	32851
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(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and related services and the child's school district.	32858
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(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised	32863
	32864
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Code to any child who is placed with a county board of developmental disabilities: 32867
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(a) The child's school district; 32869

(b) The independent contractor engaged to create and maintain data verification codes. 32870
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(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 32872
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The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division. 32881
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(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law. 32885
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(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 32888
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Sec. 3317.25. (A) As used in this section, "~~economically disadvantaged funds~~ disadvantaged pupil impact aid" means the following: 32894
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(1) For a city, local, or exempted village school district,	32897
the funds received under division (A)(5) <u>(A)(4)</u> of section	32898
3317.022 of the Revised Code;	32899
(2) For a joint vocational school district, the funds	32900
received under division (A)(3) of section 3317.16 of the Revised	32901
Code;	32902
(3) For a community school established under Chapter 3314. of	32903
the Revised Code, the funds received under division (C)(1)(e)	32904
<u>(C)(1)(c)</u> of section 3314.08 of the Revised Code;	32905
(4) For a STEM school established under Chapter 3326. of the	32906
Revised Code, the funds received under division (E) <u>(B)(3)</u> of	32907
section 3326.33 of the Revised Code.	32908
(B) In any fiscal year, a city, local, exempted village, or	32909
joint vocational school district, community school, or STEM school	32910
shall spend the economically disadvantaged funds <u>disadvantaged</u>	32911
<u>pupil impact aid</u> it receives for any of the following initiatives	32912
or a combination of any of the following initiatives:	32913
(1) Extended school day and school year;	32914
(2) Reading improvement and intervention;	32915
(3) Instructional technology or blended learning;	32916
(4) Professional development in reading instruction for	32917
teachers of students in kindergarten through third grade;	32918
(5) Dropout prevention;	32919
(6) School safety and security measures;	32920
(7) Community learning centers that address barriers to	32921
learning;	32922
(8) Academic interventions for students in any of grades six	32923
through twelve;	32924
(9) Employment of an individual who has successfully	32925

completed the bright new leaders for Ohio schools program as a	32926
principal or an assistant principal under section 3319.272 of the	32927
Revised Code;	32928
<u>(10) Reduced class size;</u>	32929
<u>(11) One year of quality preschool for every child who is</u>	32930
<u>four years of age and identified as economically disadvantaged;</u>	32931
<u>(12) Student mentoring programs;</u>	32932
<u>(13) Family engagement pertinent to enhanced student</u>	32933
<u>educational success;</u>	32934
<u>(14) District-wide professional development to provide</u>	32935
<u>greater insight into the needs, culture, and perspective of</u>	32936
<u>disadvantaged populations and enhanced ability to recognize and</u>	32937
<u>address those needs;</u>	32938
<u>(15) Mental health services;</u>	32939
<u>(16) Services for homeless youth;</u>	32940
<u>(17) Services for child welfare involving youth;</u>	32941
<u>(18) Community liaisons;</u>	32942
<u>(19) Physical health care services;</u>	32943
<u>(20) Mentoring programs;</u>	32944
<u>(21) Family engagement and support services;</u>	32945
<u>(22) City connects programming;</u>	32946
<u>(23) Professional development regarding the provision of</u>	32947
<u>trauma informed care;</u>	32948
<u>(24) Professional development regarding cultural competence;</u>	32949
<u>(25) Student services provided prior to or after the</u>	32950
<u>regularly scheduled school day or any time school is not in</u>	32951
<u>session.</u>	32952
(C) <u>Each city, local, exempted village, and joint vocational</u>	32953

school district, community school, and STEM school that is subject 32954
to the requirements of this section shall develop a plan for 32955
utilizing the disadvantaged pupil impact aid it receives in 32956
coordination with both of the following community partners: 32957

(1) A board of alcohol, drug, and mental health services 32958
established under Chapter 340. of the Revised Code; 32959

(2) One of the following: 32960

(a) An educational service center; 32961

(b) A county board of developmental disabilities; 32962

(c) A community-based mental health treatment provider; 32963

(d) A board of health of a city or general health district; 32964

(e) A county department of job and family services; 32965

(f) A nonprofit organization with experience serving 32966
children; 32967

(g) A public hospital agency; 32968

(h) A federally qualified health center or federally 32969
qualified health center look-alike, as those terms are defined in 32970
section 3701.047 of the Revised Code. 32971

(D) At the end of each fiscal year, each city, local, 32972
exempted village, or joint vocational school district, community 32973
school, and STEM school shall submit a report to the department of 32974
education ~~describing~~ through the education management information 32975
system established under section 3301.0714 of the Revised Code 32976
that describes the initiative or initiatives on which the 32977
district's or school's ~~economically disadvantaged funds~~ 32978
disadvantaged pupil impact aid were spent during that fiscal year 32979
and the amount of money that was spent on each initiative. 32980

~~(D)~~(E) Starting in 2015, the department shall submit a report 32981
of the information it receives under division (C) of this section 32982

to the General Assembly not later than the first day of December 32983
of each odd-numbered year in accordance with section 101.68 of the 32984
Revised Code. 32985

Sec. 3317.60. (A) The school funding oversight commission is 32986
hereby created. The commission shall do all of the following: 32987

(1) Evaluate and analyze the manner in which the funding 32988
requirements of H.B. 305 of the 133rd general assembly are being 32989
implemented and make recommendations to the general assembly to 32990
ensure that, if at all possible, the funding priorities specified 32991
in H.B. 305 of the 133rd general assembly are implemented as 32992
directed and that all other provisions are funded as equitably and 32993
evenly as possible as additional funding becomes available; 32994

(2) Analyze and make recommendations to the general assembly 32995
regarding any appropriate adjustments to the provisions of H.B. 32996
305 of the 133rd general assembly for inflation, technology 32997
developments, changes in instructional methodology, or the use of 32998
databases; 32999

(3) Review and analyze the findings or implications of any of 33000
the studies authorized in Sections 4, 5, 6, and 7 of S.B. 310 of 33001
the 133rd general assembly as amended by this act, as those 33002
studies become available, or any other school funding studies 33003
authorized in related legislation and make appropriate 33004
recommendations to the general assembly; 33005

(4) Upon the implementation of the provisions of H.B. 305 of 33006
the 133rd general assembly, assess the impact of its calculations 33007
and other basic concepts and make recommendations to the general 33008
assembly regarding appropriate modifications to those calculations 33009
and other basic concepts; 33010

(5) Generally monitor the implementation of the provisions of 33011
H.B. 305 of the 133rd general assembly to ensure that they are 33012

implemented in a timely and effective manner that is consistent 33013
with the intent of the general assembly at the time those 33014
provisions were enacted and make recommendations to the general 33015
assembly regarding its implementation. 33016

(B)(1) The school funding oversight commission shall consist 33017
of the following members: 33018

(a) Two members of the house of representatives, appointed by 33019
the speaker of the house of representatives, and two members of 33020
the senate, appointed by the president of the senate. Of the 33021
members appointed by the speaker of the house of representatives, 33022
one shall be a member of the majority party, and one shall be a 33023
member of the minority party that has the most members. Of the 33024
members appointed by the president of the senate, one shall be a 33025
member of the majority party, and one shall be a member of the 33026
minority party that has the most members. 33027

(b) Three school district superintendents, appointed by the 33028
superintendent of public instruction with advice from those 33029
statewide organizations that represent school district 33030
superintendents, and three school district treasurers, appointed 33031
by the superintendent of public instruction with advice from those 33032
statewide organizations that represent school district treasurers. 33033
The superintendent of public instruction shall attempt to ensure 33034
that the school district superintendents and treasurers appointed 33035
under division (B)(1)(b) of this section represent a combination 33036
of urban, suburban, and rural school districts and a combination 33037
of school districts with different per-pupil local capacity 33038
amounts calculated under section 3317.017 of the Revised Code. 33039

(c) Three parents, not more than two of whom shall be from 33040
the same political party, appointed by the governor. In making 33041
appointments under division (B)(1)(c) of this section, the 33042
governor shall attempt to ensure that the parents appointed are a 33043
combination of parents of students who are enrolled in, will 33044

enroll in, or were enrolled in public schools. 33045

(d) Three teachers appointed by the superintendent of public instruction. The superintendent of public instruction shall attempt to ensure that the teachers appointed under division (B)(1)(d) of this section represent a combination of urban, suburban, and rural school districts and a combination of school districts with different per-pupil local capacity amounts calculated under section 3317.017 of the Revised Code. 33046
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(e) Three school board members appointed by the superintendent of public instruction. The superintendent of public instruction shall attempt to ensure that the school board members appointed under division (B)(1)(e) of this section represent a combination of urban, suburban, and rural school districts and a combination of school districts with different per-pupil local capacity amounts calculated under section 3317.017 of the Revised Code. 33053
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(2) Not more than one of the members appointed under divisions (B)(1)(b), (c), (d), and (e) of this section shall represent the same school district. 33061
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(C) All members of the commission shall be appointed prior to the commission's first meeting as prescribed in division (D) of this section. Half of the members appointed under each of divisions (B)(1)(a), (b), (c), (d), and (e) of this section shall be appointed for two-year terms, and half of the members appointed under each of divisions (B)(1)(a), (b), (c), (d), and (e) of this section shall be appointed for four-year terms. Thereafter, all members shall be appointed for four-year terms. No member shall be eligible for reappointment except for those members appointed for initial two-year terms. 33064
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(D) Not later than one year after the effective date of this section, the superintendent of public instruction shall call the 33074
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first meeting of the school funding oversight commission. At that 33076
meeting, the members of the commission shall select a chair and 33077
vice-chair of the commission. Thereafter, the commission shall 33078
meet at least once every six months at the call of the chair. 33079

Sec. 3318.038. (A) As used in this section: 33080

(1) "Drinking fountain" means a fountain to which all of the 33081
following apply: 33082

(a) The fountain is designed to allow an individual to drink 33083
from the fountain. 33084

(b) The fountain dispenses filtered, clean drinking water. 33085

(c) The fountain is equipped with a protective cowl. 33086

(d) The fountain is equipped with a water spout at least one 33087
inch above the overflow rim of the fountain. 33088

(2) "Water bottle filling station" means a station to which 33089
~~both~~ all of the following apply: 33090

(a) The station is designed to fill a bottle with water. 33091

(b) The station dispenses filtered, clean drinking water. 33092

(c) The station is accessible to all people in compliance 33093
with the "Americans With Disabilities Act of 1990," 42 U.S.C. 33094
12101 et seq. 33095

(d) The station may be integrated into a drinking fountain as 33096
a combination unit. 33097

(B) When reviewing design plans for a classroom facility 33098
construction project proposed under this chapter, the Ohio 33099
facilities construction commission shall require that each 33100
classroom facility included in the project shall contain, or 33101
provide for in the design plans, all of the following as a 33102
condition of approval of the project: 33103

(1) A minimum of two water bottle filling stations in each building;	33104 33105
(2) A minimum of one drinking fountain or water bottle filling station <u>or combination unit</u> on each floor and wing of each building;	33106 33107 33108
(3) A minimum of one drinking fountain or water bottle filling station <u>or combination unit</u> for every one hundred students projected to attend the building upon completion of the project;	33109 33110 33111
(4) <u>A minimum of one water bottle filling station in or near each cafeteria, gymnasium, outdoor recreation space, or other high-traffic area.</u>	33112 33113 33114
(C) Each school district board <u>of education</u> or school governing body shall ensure that each drinking fountain and , water bottle filling station, <u>or combination unit</u> installed in a classroom facility included in a project under this chapter is regularly cleaned and maintained.	33115 33116 33117 33118 33119
(D) <u>Each district board or school governing body shall permit students, teachers, and other school staff to carry and use water bottles that are made of material that is not easily breakable, have lids to prevent spills, and are filled exclusively with water. However, a district board or school governing body may prohibit water bottles from a library, computer lab, science lab, or other location where the district board or school governing body determines it is dangerous to have drinking water. A district board or school governing body may issue a disciplinary action for misuse of a water bottle.</u>	33120 33121 33122 33123 33124 33125 33126 33127 33128 33129
(E) The requirements of this section are in addition to the requirements of Chapters 3781. and 3791. of the Revised Code and any rule adopted pursuant to those chapters.	33130 33131 33132
<u>Sec. 3319.0812.</u> (A) As used in this section, "license" has	33133

the same meaning as in section 3319.31 of the Revised Code. 33134

(B) If a school district, chartered nonpublic school, or 33135
county board of developmental disabilities contracts with a public 33136
or private entity for the provision of services to the district, 33137
school, or board, any individual employed or retained by the 33138
entity to provide the services shall hold any license that the 33139
individual would be required to hold if the individual were 33140
employed directly by the district, school, or board to provide the 33141
same services. Prior to the individual commencing the provision of 33142
services, the district, school, or board shall obtain verification 33143
from the entity employing or retaining the individual that the 33144
individual holds the applicable license. 33145

Sec. 3319.151. (A) As used in this section, "assessment" 33146
means an assessment administered under section 3301.0711 of the 33147
Revised Code. 33148

(B) No person shall ~~reveal~~ do any of the following: 33149

(1) ~~Reveal~~ to any student any specific question that the 33150
person knows is part of an assessment ~~to be administered under~~ 33151
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 33152
pupil to cheat on ~~such~~ an assessment; 33153

(2) Obtain prior knowledge of the contents of an assessment; 33154

(3) Use prior knowledge of the contents of an assessment to 33155
assist students in preparing for the assessment; 33156

(4) Fail to comply with any rule adopted by the department of 33157
education regarding security protocols for an assessment. 33158

~~(B)~~(C) On a finding by the state board of education, after 33159
investigation, that a school employee who holds a license ~~issued~~ 33160
~~under sections 3319.22 to~~, as defined in section 3319.31 of the 33161
Revised Code, has violated division ~~(A)~~(B) of this section, ~~the~~ 33162

~~license of such teacher shall be suspended for one year. Prior to~~ 33163
~~commencing an investigation, the state board shall take any action~~ 33164
~~against the employee under section 3319.31 of the Revised Code~~ 33165
~~that it considers appropriate, based on the nature and extent of~~ 33166
~~the violation. The state board shall give the teacher employee~~ 33167
notice of the allegation ~~and upon commencing an investigation and~~ 33168
shall give the employee an opportunity to respond and present a 33169
defense prior to taking any disciplinary action. 33170

~~(C)~~(D)(1) Violation of division ~~(A)~~(B) of this section is 33171
grounds for termination of employment of a nonteaching employee 33172
under division (C) of section 3319.081 or section 124.34 of the 33173
Revised Code. 33174

(2) Violation of division ~~(A)~~(B) of this section is grounds 33175
for termination of a teacher contract under section 3311.82 or 33176
3319.16 of the Revised Code. 33177

Sec. 3319.221. (A) The state board of education, the 33178
department of education, any city, local, exempted village, and 33179
joint vocational school district board of education, and any other 33180
public school, as defined in section 3301.0711 of the Revised 33181
Code, shall not require a separate pupil services license issued 33182
by the state board as a credential for working in a public school, 33183
on either a permanent basis or a substitute or other temporary 33184
basis, for the following licensed professionals: 33185

(1) A speech-language pathologist who holds a currently valid 33186
license issued under Chapter 4753. of the Revised Code; 33187

(2) An audiologist who holds a currently valid license issued 33188
under Chapter 4753. of the Revised Code; 33189

(3) A registered nurse who holds a bachelor's degree in 33190
nursing and a currently valid license issued under Chapter 4723. 33191
of the Revised Code; 33192

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;	33193 33194
(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;	33195 33196
(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;	33197 33198
(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;	33199 33200
(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.	33201 33202
(B) A person employed by a school district or school for any of the occupations listed in divisions (A)(1) to (8) of this section shall be required to apply for and receive a registration from the department of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.	33203 33204 33205 33206 33207 33208 33209 33210 33211 33212 33213 33214 33215
If the department receives notification of the arrest or conviction of an individual registered under division (B) of this section, the department shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (A) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has	33216 33217 33218 33219 33220 33221 33222 33223

been convicted of or has a judicial finding of eligibility for 33224
intervention in lieu of conviction for any of the offenses listed 33225
in division (C) of section 3319.31 of the Revised Code, or if the 33226
state board has refused to issue or revoked the individual's 33227
registration under that section. 33228

(C) The department shall charge a registration fee of one 33229
hundred fifty dollars each for the initial registration and one 33230
hundred fifty dollars for renewal of the registration. 33231

Sec. 3319.227. (A) Notwithstanding any other provision of the 33232
Revised Code or any rule adopted by the state board of education 33233
to the contrary, the state board shall issue a resident educator 33234
license under section 3319.22 of the Revised Code to each person 33235
who is assigned to teach in this state as a participant in the 33236
teach for America program and who satisfies the following 33237
conditions for the duration of the program: 33238

(1) Holds a bachelor's degree from an accredited institution 33239
of higher education; 33240

(2) Maintained a cumulative undergraduate grade point average 33241
of at least 2.5 out of 4.0, or its equivalent; 33242

(3) Has passed an examination prescribed by the state board 33243
in the subject area to be taught; 33244

(4) Has successfully completed the summer training institute 33245
operated by teach for America; 33246

(5) Remains an active member of the teach for America 33247
two-year support program. 33248

(B) The state board shall issue a resident educator license 33249
under this section for teaching in any grade level or subject area 33250
for which a person may obtain a resident educator license under 33251
section 3319.22 of the Revised Code. The state board shall not 33252
adopt rules establishing any additional qualifications for the 33253

license beyond those specified in this section. 33254

(C) Notwithstanding any other provision of the Revised Code 33255
or any rule adopted by the state board to the contrary, the state 33256
board shall issue a resident educator license under section 33257
3319.22 of the Revised Code to any applicant who has completed at 33258
least two years of teaching in another state as a participant in 33259
the teach for America program and meets all of the conditions of 33260
divisions (A)(1) to (4) of this section. The state board shall 33261
credit an applicant under this division as having completed two 33262
years of the teacher residency program under section 3319.223 of 33263
the Revised Code. 33264

(D) In order to place teachers in this state, the teach for 33265
America program shall enter into an agreement with one or more 33266
accredited four-year public or private institutions of higher 33267
education in the state to provide optional training of teach for 33268
America participants for the purpose of enabling those 33269
participants to complete an optional master's degree or an 33270
equivalent amount of coursework. Nothing in this division shall 33271
require any teach for America participant to complete a master's 33272
degree as a condition of holding a license issued under this 33273
section. 33274

(E) The superintendent of public instruction, on behalf of 33275
the state board, shall ~~revoke~~ inactivate a resident educator 33276
license issued to a participant in the teach for America program 33277
who is assigned to teach in this state if the participant resigns 33278
or is dismissed from the program prior to completion of the 33279
two-year teach for America support program. The inactivation of a 33280
license under this division does not constitute a suspension or 33281
revocation of the license by the state board under section 3319.31 33282
of the Revised Code and the state board and the state 33283
superintendent need not provide the person with an opportunity for 33284
a hearing with respect to the inactivation. 33285

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 33286
section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 33287
132nd general assembly, the state board of education shall accept 33288
applications for new, and for renewal of, professional 33289
career-technical teaching licenses through June 30, 2019, and 33290
issue them on the basis of the applications received by that date 33291
in accordance with the rules described in that former section. 33292
Except as otherwise provided in divisions (A)(2) and (3) of this 33293
section, beginning July 1, 2019, the state board shall issue 33294
career-technical workforce development educator licenses only 33295
under this section. 33296

(2) An individual who, on July 1, 2019, holds a professional 33297
career-technical teaching license issued under the rules described 33298
in former section 3319.229 of the Revised Code, may continue to 33299
renew that license in accordance with those rules for the 33300
remainder of the individual's teaching career. However, nothing in 33301
this division shall be construed to prohibit the individual from 33302
applying to the state board for a career-technical workforce 33303
development educator license under this section. 33304

(3) An individual who, on July 1, 2019, holds an alternative 33305
resident educator license for teaching career-technical education 33306
issued under section 3319.26 of the Revised Code may, upon the 33307
expiration of the license, apply for a professional 33308
career-technical teaching license issued under the rules described 33309
in former section 3319.229 of the Revised Code. Such an individual 33310
may continue to renew the professional license in accordance with 33311
those rules for the remainder of the individual's teaching career. 33312
However, nothing in this division shall be construed to prohibit 33313
the individual from applying to the state board for a 33314
career-technical workforce development educator license under this 33315
section. 33316

(B) The state board, in collaboration with the chancellor of higher education, shall adopt rules establishing standards and requirements for obtaining a two-year initial career-technical workforce development educator license and a five-year advanced career-technical workforce development educator license. Each license shall be valid for teaching career-technical education or workforce development programs in grades four through twelve. The rules shall require applicants for either license to have a high school diploma or a certificate of high school equivalence as awarded under section 3301.80 of the Revised Code or as recognized as the equivalent of such certificate under division (C) of that section.

(C)(1) The state board shall issue an initial career-technical workforce development educator license to an applicant upon request from the superintendent of a school district that has agreed to employ the applicant. In making the request, the superintendent shall provide documentation, in accordance with procedures prescribed by the department of education, showing that the applicant has at least five years of work experience, or the equivalent, in the subject area in which the applicant will teach. The license shall be valid for teaching only in the requesting district. The superintendent also shall provide documentation, in accordance with procedures prescribed by the department, that the applicant is enrolled in a career-technical workforce development educator preparation program offered by an institution of higher education that has an existing teacher preparatory program in place that meets all of the following criteria:

(a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles;

(b) Provides classroom support to the license holder;

(c) Includes at least three semester hours of coursework in

the teaching of reading in the subject area; 33349

(d) Is aligned with career-technical education and workforce 33350
development competencies developed by the department; 33351

(e) Uses a summative performance-based assessment developed 33352
by the program and aligned to the competencies described in 33353
division (C)(1)(d) of this section to evaluate the license 33354
holder's knowledge and skills; 33355

(f) Consists of not less than twenty-four semester hours of 33356
coursework, or the equivalent. 33357

(2) As a condition of continuing to hold the initial 33358
career-technical workforce development license, the holder of the 33359
license shall be participating in a career-technical workforce 33360
development educator preparation program described in division 33361
(C)(1) of this section. 33362

(3) The state board shall renew an initial career-technical 33363
workforce development educator license if the supervisor of the 33364
program described in division (C)(1) of this section and the 33365
superintendent of the employing school district indicate that the 33366
applicant is making sufficient progress in both the program and 33367
the teaching position. 33368

(D) The state board shall issue an advanced career-technical 33369
workforce development educator license to an applicant who has 33370
successfully completed the program described in division (C)(1) of 33371
this section, as indicated by the supervisor of the program, and 33372
who demonstrates mastery of the applicable career-technical 33373
education and workforce development competencies described in 33374
division (C)(1)(d) of this section in the teaching position, as 33375
indicated by the superintendent of the employing school district. 33376

(E) The holder of an advanced career-technical workforce 33377
development educator license shall work with a local professional 33378
development committee established under section 3319.22 of the 33379

Revised Code in meeting requirements for renewal of the license. 33380

(F) Notwithstanding the provisions of section 3319.226 of the 33381
Revised Code, the state board shall not require any applicant for 33382
an educator license for substitute teaching who holds a license 33383
issued under this section to hold a post-secondary degree in order 33384
to be issued a license under section 3319.226 of the Revised Code 33385
to work as a substitute teacher for career-technical education 33386
classes. 33387

Sec. 3319.236. (A) Except as provided in division (B) of this 33388
section, a school district shall require an individual to hold a 33389
valid educator license in computer science, or have a license 33390
endorsement in computer technology and a passing score on a 33391
content examination in the area of computer science, to teach 33392
computer science courses. 33393

(B) A school district may employ an individual, for the 33394
purpose of teaching computer science courses, who holds a valid 33395
educator license in any of grades kindergarten through twelve, 33396
provided the individual meets the requirements established by 33397
rules of the state board of education to qualify for a 33398
supplemental teaching license for teaching computer science. The 33399
rules shall require an applicant for a supplemental teaching 33400
license to pass a content examination in the area of computer 33401
science. The rules also shall permit an individual, after at least 33402
two years of successfully teaching computer science courses under 33403
the supplemental teaching license, to advance to a standard 33404
educator license in computer science by completing a pedagogy 33405
course applicable to the grade levels in which the individual is 33406
teaching. However, the rules may exempt an individual teaching 33407
computer science from the requirement to complete a pedagogy 33408
course if the individual previously completed a pedagogy course 33409
applicable to the grade levels in which the individual is 33410

teaching. 33411

(C) In order for an individual to teach advanced placement 33412
computer science courses, a school district shall require the 33413
individual to also complete a professional development program 33414
endorsed or provided by the organization that creates and 33415
administers national advanced placement examinations. For this 33416
purpose, the individual may complete the program at any time 33417
during the calendar year. 33418

(D) Notwithstanding section 3301.012 of the Revised Code, as 33419
used in this section, "computer science courses" means any courses 33420
that are reported in the education management information system 33421
established under section 3301.0714 of the Revised Code as 33422
computer science courses and which are aligned to computer science 33423
standards adopted by the state board of education. 33424

Sec. 3319.31. (A) As used in this section and sections 33425
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 33426
means a certificate, license, or permit described in this chapter 33427
or in division (B) of section 3301.071 or in section 3301.074 of 33428
the Revised Code or a registration described in division (B) of 33429
section 3302.151 or division (B) of section 3319.221 of the 33430
Revised Code. 33431

(B) For any of the following reasons, the state board of 33432
education, except as provided in division ~~(H)~~ (I) of this section 33433
and in accordance with Chapter 119. and section 3319.311 of the 33434
Revised Code, may refuse to issue a license to an applicant; may 33435
limit a license it issues to an applicant; may suspend, revoke, or 33436
limit a license that has been issued to any person; or may revoke 33437
a license that has been issued to any person and has expired: 33438

(1) Engaging in an immoral act, incompetence, negligence, or 33439
conduct that is unbecoming to the ~~applicant's or person's~~ 33440
~~position;~~ teaching profession. The state board need not consider 33441

<u>whether there is a connection between the applicant's or person's</u>	33442
<u>immoral act, incompetence, negligence, or conduct and the</u>	33443
<u>applicant's or person's ability to perform the duties associated</u>	33444
<u>with the license or the position for which the license is issued;</u>	33445
(2) A plea of guilty to, a finding of guilt by a jury or	33446
court of, or a conviction of any of the following:	33447
(a) A felony other than a felony listed in division (C) of	33448
this section;	33449
(b) An offense of violence other than an offense of violence	33450
listed in division (C) of this section;	33451
(c) A theft offense, as defined in section 2913.01 of the	33452
Revised Code, other than a theft offense listed in division (C) of	33453
this section;	33454
(d) A drug abuse offense, as defined in section 2925.01 of	33455
the Revised Code, that is not a minor misdemeanor, other than a	33456
drug abuse offense listed in division (C) of this section;	33457
(e) <u>An offense listed in section 3319.39 of the Revised Code</u>	33458
<u>other than an offense listed in division (C) of this section;</u>	33459
(f) A violation of an ordinance of a municipal corporation	33460
that is substantively comparable to an offense listed in divisions	33461
(B)(2)(a) to (d) (e) of this section.	33462
(3) A judicial finding of eligibility for intervention in	33463
lieu of conviction under section 2951.041 of the Revised Code, <u>for</u>	33464
<u>any offense listed in division (B)(2) of this section,</u> or agreeing	33465
to participate in a pre-trial diversion program under section	33466
2935.36 of the Revised Code, or a similar diversion program under	33467
rules of a court, for any offense listed in division (B)(2) or (C)	33468
of this section;	33469
(4) Failure to comply with section 3314.40, 3319.313,	33470
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.	33471

(C) Upon learning of a plea of guilty to, a finding of guilt 33472
by a jury or court of, or a conviction of, or a judicial finding 33473
of eligibility for intervention in lieu of conviction for 33474
committing any of the offenses listed in this division by a person 33475
who holds a current or expired license or is an applicant for 33476
renewal of a license, the state board or the superintendent of 33477
public instruction, if the state board has delegated the duty 33478
pursuant to division (D) of this section, shall by a written order 33479
revoke the person's license or deny renewal of the license to the 33480
person. The state board or the superintendent shall revoke a 33481
license that has been issued to a person to whom this division 33482
applies and has expired in the same manner as a license that has 33483
not expired. 33484

Revocation of a license or denial of renewal of a license 33485
under this division is effective immediately at the time and date 33486
that the board or superintendent issues the written order and is 33487
not subject to appeal in accordance with Chapter 119. of the 33488
Revised Code. Revocation of a license or denial of renewal of 33489
license under this division remains in force during the pendency 33490
of an appeal by the person of the plea of guilty, finding of 33491
guilt, ~~or~~ conviction, or judicial finding of eligibility for 33492
intervention in lieu of conviction that is the basis of the action 33493
taken under this division. 33494

The state board or superintendent shall take the action 33495
required by this division for any of the following: 33496

(1) A plea of guilty to, a finding of guilt by a jury or 33497
court of, or a conviction of, or a judicial finding of eligibility 33498
for intervention in lieu of conviction for a violation of division 33499
(B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a 33500
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 33501
2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 33502
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 33503

2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 33504
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 33505
2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 33506
2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 33507
2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 33508
2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 33509
2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 33510
2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 33511
2927.24, or 3716.11 of the Revised Code; a violation of section 33512
2905.04 of the Revised Code as it existed prior to July 1, 1996; a 33513
violation of section 2919.23 of the Revised Code that would have 33514
been a violation of section 2905.04 of the Revised Code as it 33515
existed prior to July 1, 1996, had the violation been committed 33516
prior to that date; felonious sexual penetration in violation of 33517
former section 2907.12 of the Revised Code; or a violation of an 33518
ordinance of a municipal corporation that is substantively 33519
comparable to an offense listed in this paragraph; 33520

(2) A plea of guilty to, a finding of guilt by a jury or 33521
court of, or a conviction of, or a judicial finding of eligibility 33522
for intervention in lieu of conviction for conspiracy to commit, 33523
attempt to commit, or complicity in committing any violation 33524
listed in division (C)(1) of this section. 33525

(D) The state board may delegate to the superintendent of 33526
public instruction the authority to revoke a person's license or 33527
to deny issuance or renewal of a license to a person under 33528
division (C) ~~or~~, (F), or (I) of this section. 33529

(E)(1) If the plea of guilty, finding of guilt, ~~or~~ 33530
conviction, or judicial finding of eligibility for intervention in 33531
lieu of conviction that is the basis of the action taken under 33532
division (B)(2) ~~or~~, (C), or (I) of this section, or under the 33533
version of division (F) of section 3319.311 of the Revised Code in 33534
effect prior to September 12, 2008, is overturned on appeal, upon 33535

exhaustion of the criminal appeal, the clerk of the court that 33536
overturned the plea, finding, ~~or~~ conviction, or judicial finding 33537
or, if applicable, the clerk of the court that accepted an appeal 33538
from the court that overturned the plea, finding, ~~or~~ conviction, 33539
or judicial finding shall notify the state board that the plea, 33540
finding, ~~or~~ conviction, or judicial finding has been overturned. 33541
Within thirty days after receiving the notification, the state 33542
board shall initiate proceedings to reconsider the revocation or 33543
denial of the person's license in accordance with division (E)(2) 33544
of this section. In addition, the person whose license was revoked 33545
or denied may file with the state board a petition for 33546
reconsideration of the revocation or denial along with appropriate 33547
court documents. 33548

(2) Upon receipt of a court notification or a petition and 33549
supporting court documents under division (E)(1) of this section, 33550
the state board, after offering the person an opportunity for an 33551
adjudication hearing under Chapter 119. of the Revised Code, shall 33552
determine whether the person committed the act in question in the 33553
prior criminal action against the person that is the basis of the 33554
revocation or denial and may continue the revocation or denial, 33555
may reinstate the person's license, with or without limits, or may 33556
grant the person a new license, with or without limits. The 33557
decision of the board shall be based on grounds for revoking, 33558
denying, suspending, or limiting a license adopted by rule under 33559
division (G) of this section and in accordance with the 33560
evidentiary standards the board employs for all other licensure 33561
hearings. The decision of the board under this division is subject 33562
to appeal under Chapter 119. of the Revised Code. 33563

(3) A person whose license is revoked or denied under 33564
division (C) or (I) of this section shall not apply for any 33565
license if the plea of guilty, finding of guilt, ~~or~~ conviction, or 33566
judicial finding of eligibility for intervention in lieu of 33567

conviction that is the basis of the revocation or denial, upon 33568
completion of the criminal appeal, either is upheld or is 33569
overturned but the state board continues the revocation or denial 33570
under division (E)(2) of this section and that continuation is 33571
upheld on final appeal. 33572

(F) The state board may take action under division (B) or 33573
(I)(2) or (3) of this section, and the state board or the 33574
superintendent shall take the action required under division (C) 33575
or (I)(1) of this section, on the basis of substantially 33576
comparable conduct occurring in a jurisdiction outside this state 33577
or occurring before a person applies for or receives any license. 33578

(G) The state board may adopt rules in accordance with 33579
Chapter 119. of the Revised Code to carry out this section and 33580
section 3319.311 of the Revised Code. 33581

(H) ~~The state board shall not refuse to issue a license to an~~ 33582
~~applicant because of a conviction of, a plea of guilty to, or a~~ 33583
~~finding of guilt by a jury or court of an offense unless the~~ 33584
~~refusal is in accordance with section 9.79 of the Revised Code.~~ 33585
The general assembly has previously authorized the state board to 33586
refuse to issue an initial license to an applicant for an offense 33587
described in division (B) of this section, and has required the 33588
state board to refuse to issue an initial license to an applicant 33589
for an offense described in division (C) of this section. 33590
Consistent with those directives of the general assembly, the 33591
state board has determined that the offenses described in those 33592
divisions are directly related to the duties and responsibilities 33593
of the position for which a license is issued. Therefore, in 33594
publishing the list of criminal offenses that may disqualify an 33595
applicant from obtaining an initial license, as required by 33596
division (B) of section 9.79 of the Revised Code, the state board 33597
shall include the offenses described in divisions (B)(2) and (C) 33598
of this section and shall specify that a plea of guilty, finding 33599

of guilt, conviction, or judicial finding of eligibility for 33600
intervention in lieu of conviction for any offense described in 33601
division (C) of this section shall result in automatic refusal to 33602
issue a license in accordance with division (I)(1) of this 33603
section. 33604

(I) In determining whether to issue an initial license to an 33605
applicant, the state board shall make that determination in 33606
accordance with section 9.79 of the Revised Code, except that, 33607
notwithstanding divisions (C) and (D) of that section, all of the 33608
following shall apply: 33609

(1) The state board shall refuse to issue an initial license 33610
to an applicant who has plead guilty to, been found guilty by a 33611
jury or court of, been convicted of, or had a judicial finding of 33612
eligibility for intervention in lieu of conviction for committing 33613
any offense listed in division (C) of this section, regardless of 33614
the length of time since the applicant's plea of guilty, finding 33615
of guilt, conviction, or judicial finding of eligibility for 33616
intervention in lieu of conviction. Refusal of a license under 33617
division (I)(1) of this section is effective immediately at the 33618
time and date that the state board or state superintendent issues 33619
the written order and is not subject to appeal in accordance with 33620
Chapter 119. of the Revised Code. Refusal of a license under 33621
division (I)(1) of this section remains in force during the 33622
pendency of an appeal by the applicant of the plea of guilty, 33623
finding of guilt, conviction, or judicial finding of eligibility 33624
for intervention in lieu of conviction that is the basis of the 33625
action taken under this division. 33626

(2) The state board may refuse to issue an initial license to 33627
an applicant who has plead guilty to, been found guilty by a jury 33628
or court of, been convicted of, or had a judicial finding of 33629
eligibility for intervention in lieu of conviction for committing 33630
any offense listed in division (B)(2) of this section, regardless 33631

of the length of time since the applicant's plea of guilty, 33632
finding of guilt, conviction, or judicial finding of eligibility 33633
for intervention in lieu of conviction. 33634

(3) If an applicant has plead guilty to, been found guilty by 33635
a jury or court of, been convicted of, or had a judicial finding 33636
of eligibility for intervention in lieu of conviction for multiple 33637
offenses, the state board may consider that fact in determining 33638
whether to issue the applicant a license, regardless of the length 33639
of time since the applicant's most recent plea of guilty, finding 33640
of guilt, conviction, or judicial finding of eligibility for 33641
intervention in lieu of conviction. 33642

Sec. 3319.311. (A)(1) The state board of education, or the 33643
superintendent of public instruction on behalf of the board, may 33644
investigate any information received about a person that 33645
reasonably appears to be a basis for action under section 3319.31 33646
of the Revised Code, including information received pursuant to 33647
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 33648
or 5153.176 of the Revised Code. ~~Except as provided in division~~ 33649
~~(A)(2) of this section, the board shall contract with the office~~ 33650
~~of the Ohio attorney general to conduct any investigation of that~~ 33651
~~nature.~~ The board shall pay for the costs of ~~the contract~~ any such 33652
investigation only from moneys in the state board of education 33653
licensure fund established under section 3319.51 of the Revised 33654
Code. Except as provided in division (A)(2) of this section and 33655
section 3319.319 of the Revised Code, all information received 33656
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 33657
5126.253, or 5153.176 of the Revised Code, and all information 33658
obtained during an investigation is confidential and is not a 33659
public record under section 149.43 of the Revised Code. ~~If an~~ 33660
~~investigation is conducted under this division regarding~~ 33661
~~information received about a person and no action is taken against~~ 33662
~~the person under this section or section 3319.31 of the Revised~~ 33663

~~Code within two years of the completion of the investigation, all~~ 33664
~~records of the investigation shall be expunged.~~ 33665

(2) In the case of a person about whom the board has learned 33666
of a plea of guilty to, finding of guilt by a jury or court of, ~~or~~ 33667
a conviction of, or judicial finding of eligibility for 33668
intervention in lieu of conviction for committing an offense 33669
listed in division (C) of section 3319.31 of the Revised Code, or 33670
substantially comparable conduct occurring in a jurisdiction 33671
outside this state, the board or the superintendent of public 33672
instruction need not conduct any further investigation and shall 33673
take the action required by division (C) ~~or~~, (F), or (I)(1) of 33674
that section. Except as provided in division (G) of this section, 33675
all information obtained by the board or the superintendent of 33676
public instruction pertaining to the action is a public record 33677
under section 149.43 of the Revised Code. 33678

(B) The superintendent of public instruction shall review the 33679
results of each investigation of a person conducted under division 33680
(A)(1) of this section and shall determine, on behalf of the state 33681
board, whether the results warrant initiating action under 33682
division (B) or (I) of section 3319.31 of the Revised Code. The 33683
superintendent shall advise the board of such determination at a 33684
meeting of the board. Within fourteen days of the next meeting of 33685
the board, any member of the board may ask that the question of 33686
initiating action under section 3319.31 of the Revised Code be 33687
placed on the board's agenda for that next meeting. Prior to 33688
initiating that action against any person, the person's name and 33689
any other personally identifiable information shall remain 33690
confidential. 33691

(C) The board shall take no action against a person under 33692
division (B) or (I) of section 3319.31 of the Revised Code without 33693
providing the person with written notice of the charges and with 33694
an opportunity for a hearing in accordance with Chapter 119. of 33695

the Revised Code, unless division (I)(1) of that section applies 33696
to the person. 33697

(D) For purposes of an investigation under division (A)(1) of 33698
this section or a hearing under division (C) of this section or 33699
under division (E)(2) of section 3319.31 of the Revised Code, the 33700
board, or the superintendent on behalf of the board, may 33701
administer oaths, order the taking of depositions, issue 33702
subpoenas, and compel the attendance of witnesses and the 33703
production of books, accounts, papers, records, documents, and 33704
testimony. The issuance of subpoenas under this division may be by 33705
certified mail or personal delivery to the person. 33706

(E) The superintendent, on behalf of the board, may enter 33707
into a consent agreement with a person against whom action is 33708
being taken under division (B) or (I) of section 3319.31 of the 33709
Revised Code, other than a person to whom division (I)(1) of that 33710
section applies. The board may adopt rules governing the 33711
superintendent's action under this division. 33712

(F) No surrender of a license shall be effective until the 33713
board takes action to accept the surrender unless the surrender is 33714
pursuant to a consent agreement entered into under division (E) of 33715
this section. 33716

(G) The name of any person who is not required to report 33717
information under section 3314.40, 3319.313, 3326.24, 3328.19, 33718
5126.253, or 5153.176 of the Revised Code, but who in good faith 33719
provides information to the state board or superintendent of 33720
public instruction about alleged misconduct committed by a person 33721
who holds a license or has applied for issuance or renewal of a 33722
license, shall be confidential and shall not be released. Any such 33723
person shall be immune from any civil liability that otherwise 33724
might be incurred or imposed for injury, death, or loss to person 33725
or property as a result of the provision of that information. 33726

(H)(1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2)(a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H)(1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H)(1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H)(1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

Sec. 3319.313. (A) As used in this section:

(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education.

(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code.

(3) "License" has the same meaning as in section 3319.31 of the Revised Code. 33758
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(4) "Pre-trial diversion program" means a pre-trial diversion program under section 2935.36 of the Revised Code or a similar diversion program under rules of a court. 33760
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(B) The superintendent of each school district and each educational service center or the president of the district or service center board, if division (C)(1) of this section applies, and the chief administrator of each chartered nonpublic school or the president or chairperson of the governing authority of the nonpublic school, if division (C)(2) of this section applies, shall promptly submit to the superintendent of public instruction the information prescribed in division (D) of this section when any of the following conditions applies to an employee of the district, service center, or nonpublic school who holds a license issued by the state board of education: 33763
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(1) The superintendent, chief administrator, president, or chairperson knows that the employee has pleaded guilty to, has been found guilty by a jury or court of, has been convicted of, has been found to be eligible for intervention in lieu of conviction for, or has agreed to participate in a pre-trial diversion program for an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code; 33774
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(2) The district board of education, service center governing board, or nonpublic school chief administrator or governing authority has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the board of education, governing board, or chief administrator has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 33782
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or division (B)(1) of section 3319.39 of the Revised Code; 33790

(3) The employee has resigned under threat of termination or 33791
nonrenewal as described in division (B)(2) of this section; 33792

(4) The employee has resigned because of or in the course of 33793
an investigation by the board of education, governing board, or 33794
chief administrator regarding whether the employee has committed 33795
an act that is unbecoming to the teaching profession or an offense 33796
described in division (B)(2) or (C) of section 3319.31 or division 33797
(B)(1) of section 3319.39 of the Revised Code. 33798

(C)(1) If the employee to whom any of the conditions 33799
prescribed in divisions (B)(1) to (4) of this section applies is 33800
the superintendent or treasurer of a school district or 33801
educational service center, the president of the board of 33802
education of the school district or of the governing board of the 33803
educational service center shall make the report required under 33804
this section. 33805

(2) If the employee to whom any of the conditions prescribed 33806
in divisions (B)(1) to (4) of this section applies is the chief 33807
administrator of a chartered nonpublic school, the president or 33808
chairperson of the governing authority of the chartered nonpublic 33809
school shall make the report required under this section. 33810

(D) If a report is required under this section, the 33811
superintendent, chief administrator, president, or chairperson 33812
shall submit to the superintendent of public instruction the name 33813
and social security number of the employee about whom the 33814
information is required and a factual statement regarding any of 33815
the conditions prescribed in divisions (B)(1) to (4) of this 33816
section that applies to the employee. 33817

(E) A determination made by the board of education, governing 33818
board, chief administrator, or governing authority as described in 33819
division (B)(2) of this section or a termination, nonrenewal, 33820

resignation, or other separation described in divisions (B)(2) to 33821
(4) of this section does not create a presumption of the 33822
commission or lack of the commission by the employee of an act 33823
unbecoming to the teaching profession or an offense described in 33824
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 33825
section 3319.39 of the Revised Code. 33826

(F) No individual required to submit a report under division 33827
(B) of this section shall knowingly fail to comply with that 33828
division. 33829

(G) An individual who provides information to the 33830
superintendent of public instruction in accordance with this 33831
section in good faith shall be immune from any civil liability 33832
that otherwise might be incurred or imposed for injury, death, or 33833
loss to person or property as a result of the provision of that 33834
information. 33835

Sec. 3319.316. The department of education, on behalf of the 33836
state board of education, shall be a participating public office 33837
for purposes of the retained applicant fingerprint database 33838
established under section 109.5721 of the Revised Code and shall 33839
receive notification from the bureau of criminal identification 33840
and investigation of the arrest or conviction of persons to whom 33841
~~the state board has issued~~ a license, as defined in section 33842
3319.31 of the Revised Code, has been issued. 33843

Sec. 3319.318. (A) As used in this section: 33844

(1) "School representative" includes all of the following: 33845

(a) An employee of a school district, chartered nonpublic 33846
school, or county board of developmental disabilities; 33847

(b) An employee of an entity with which a school district, 33848
chartered nonpublic school, or county board of developmental 33849
disabilities contracts for the provision of services; 33850

(c) A member of a school district board of education, chartered nonpublic school governing body, or county board of developmental disabilities. 33851
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(2) "Student" means a child who is enrolled in a school district or chartered nonpublic school or who is receiving services from a county board of developmental disabilities. 33854
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(B) Except as provided in division (C) of this section, no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through twenty-one years of age, other than transmitting administrative and personnel files to the prospective employer, if the school representative knows or has reasonable cause to believe that the individual has committed an offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student. 33857
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(C) Division (B) of this section shall not apply if the information on which the knowledge or reasonable cause is based has been reported to appropriate law enforcement authorities or, if applicable, to the appropriate public children services agency under section 2151.421 of the Revised Code and one of the following conditions is met: 33869
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(1) Law enforcement authorities have investigated the alleged offense and determined that there is insufficient information to indict the individual for the alleged offense. 33875
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(2) The individual has not been indicted for the alleged offense within four years after the date the alleged offense was reported to law enforcement authorities or a public children services agency. 33878
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(3) The individual has been acquitted or otherwise exonerated 33882
of the offense. 33883

Sec. 3319.319. The appointing or hiring officer of a school 33884
district or school located in Ohio or another state may request 33885
from the department of education any report the department has 33886
received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 33887
5126.253 of the Revised Code regarding an individual who is under 33888
consideration for employment by the district or school. If the 33889
department has received a report under any of those sections 33890
regarding the individual, the department shall provide the 33891
contents of the report to the requesting officer. Upon provision 33892
of the contents of the report to the requesting officer, the 33893
department shall notify the officer that the information provided 33894
is confidential and may not be disseminated to any other person or 33895
entity. 33896

If the department provides the contents of a report to an 33897
appointing or hiring officer under this section, the department 33898
shall document the information provided in the record of any 33899
investigation undertaken pursuant to section 3319.311 of the 33900
Revised Code based on the report. Such documentation shall include 33901
a list of the information provided, the date the information was 33902
provided, and the name and contact information of the appointing 33903
or hiring officer to whom the information was provided. 33904

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 33905
of section 109.57 of the Revised Code, the appointing or hiring 33906
officer of the board of education of a school district, the 33907
governing board of an educational service center, or of a 33908
chartered nonpublic school shall request the superintendent of the 33909
bureau of criminal identification and investigation to conduct a 33910
criminal records check with respect to any applicant who has 33911
applied to the school district, educational service center, or 33912

school for employment in any position. The appointing or hiring 33913
officer shall request that the superintendent include information 33914
from the federal bureau of investigation in the criminal records 33915
check, unless all of the following apply to the applicant: 33916

(a) The applicant is applying to be an instructor of adult 33917
education. 33918

(b) The duties of the position for which the applicant is 33919
applying do not involve routine interaction with a child or 33920
regular responsibility for the care, custody, or control of a 33921
child or, if the duties do involve such interaction or 33922
responsibility, during any period of time in which the applicant, 33923
if hired, has such interaction or responsibility, another employee 33924
of the school district, educational service center, or chartered 33925
nonpublic school will be present in the same room with the child 33926
or, if outdoors, will be within a thirty-yard radius of the child 33927
or have visual contact with the child. 33928

(c) The applicant presents proof that the applicant has been 33929
a resident of this state for the five-year period immediately 33930
prior to the date upon which the criminal records check is 33931
requested or provides evidence that within that five-year period 33932
the superintendent has requested information about the applicant 33933
from the federal bureau of investigation in a criminal records 33934
check. 33935

(2) A person required by division (A)(1) of this section to 33936
request a criminal records check shall provide to each applicant a 33937
copy of the form prescribed pursuant to division (C)(1) of section 33938
109.572 of the Revised Code, provide to each applicant a standard 33939
impression sheet to obtain fingerprint impressions prescribed 33940
pursuant to division (C)(2) of section 109.572 of the Revised 33941
Code, obtain the completed form and impression sheet from each 33942
applicant, and forward the completed form and impression sheet to 33943

the superintendent of the bureau of criminal identification and 33944
investigation at the time the person requests a criminal records 33945
check pursuant to division (A)(1) of this section. 33946

(3) An applicant who receives pursuant to division (A)(2) of 33947
this section a copy of the form prescribed pursuant to division 33948
(C)(1) of section 109.572 of the Revised Code and a copy of an 33949
impression sheet prescribed pursuant to division (C)(2) of that 33950
section and who is requested to complete the form and provide a 33951
set of fingerprint impressions shall complete the form or provide 33952
all the information necessary to complete the form and shall 33953
provide the impression sheet with the impressions of the 33954
applicant's fingerprints. If an applicant, upon request, fails to 33955
provide the information necessary to complete the form or fails to 33956
provide impressions of the applicant's fingerprints, the board of 33957
education of a school district, governing board of an educational 33958
service center, or governing authority of a chartered nonpublic 33959
school shall not employ that applicant for any position. 33960

(4) Notwithstanding any provision of this section to the 33961
contrary, an applicant who meets the conditions prescribed in 33962
divisions (A)(1)(a) and (b) of this section and who, within the 33963
two-year period prior to the date of application, was the subject 33964
of a criminal records check under this section prior to being 33965
hired for short-term employment with the school district, 33966
educational service center, or chartered nonpublic school to which 33967
application is being made shall not be required to undergo a 33968
criminal records check prior to the applicant's rehiring by that 33969
district, service center, or school. 33970

(B)(1) Except as provided in rules adopted by the department 33971
of education in accordance with division (E) of this section and 33972
as provided in division (B)(3) of this section, no board of 33973
education of a school district, no governing board of an 33974
educational service center, and no governing authority of a 33975

chartered nonpublic school shall employ a person if the person 33976
previously has been convicted of or pleaded guilty to any of the 33977
following: 33978

(a) A violation of section 2903.01, 2903.02, 2903.03, 33979
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 33980
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 33981
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33982
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 33983
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 33984
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 33985
2925.06, or 3716.11 of the Revised Code, a violation of section 33986
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 33987
violation of section 2919.23 of the Revised Code that would have 33988
been a violation of section 2905.04 of the Revised Code as it 33989
existed prior to July 1, 1996, had the violation been committed 33990
prior to that date, a violation of section 2925.11 of the Revised 33991
Code that is not a minor drug possession offense, or felonious 33992
sexual penetration in violation of former section 2907.12 of the 33993
Revised Code; 33994

(b) A violation of an existing or former law of this state, 33995
another state, or the United States that is substantially 33996
equivalent to any of the offenses or violations described in 33997
division (B)(1)(a) of this section. 33998

(2) A board, governing board of an educational service 33999
center, or a governing authority of a chartered nonpublic school 34000
may employ an applicant conditionally until the criminal records 34001
check required by this section is completed and the board or 34002
governing authority receives the results of the criminal records 34003
check. If the results of the criminal records check indicate that, 34004
pursuant to division (B)(1) of this section, the applicant does 34005
not qualify for employment, the board or governing authority shall 34006
release the applicant from employment. 34007

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C)(1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C)(1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court,

hearing officer, or other necessary individual involved in a case 34040
dealing with the denial of employment to the applicant. 34041

(E) The department of education shall adopt rules pursuant to 34042
Chapter 119. of the Revised Code to implement this section, 34043
including rules specifying circumstances under which the board or 34044
governing authority may hire a person who has been convicted of an 34045
offense listed in division (B)(1) or (3) of this section but who 34046
meets standards in regard to rehabilitation set by the department. 34047
Any rules adopted by the department under this division regarding 34048
the employment of a person holding a ~~certificate~~, license, ~~or~~ 34049
~~permit described in this chapter or in division (B) of section~~ 34050
~~3301.071 or in section 3301.074~~ as defined in section 3319.31 of 34051
the Revised Code shall comply with ~~section 9.79 of the Revised~~ 34052
Code all provisions of that section. 34053

The department shall amend rule 3301-83-23 of the Ohio 34054
Administrative Code that took effect August 27, 2009, and that 34055
specifies the offenses that disqualify a person for employment as 34056
a school bus or school van driver and establishes rehabilitation 34057
standards for school bus and school van drivers. 34058

(F) Any person required by division (A)(1) of this section to 34059
request a criminal records check shall inform each person, at the 34060
time of the person's initial application for employment, of the 34061
requirement to provide a set of fingerprint impressions and that a 34062
criminal records check is required to be conducted and 34063
satisfactorily completed in accordance with section 109.572 of the 34064
Revised Code if the person comes under final consideration for 34065
appointment or employment as a precondition to employment for the 34066
school district, educational service center, or school for that 34067
position. 34068

(G) As used in this section: 34069

(1) "Applicant" means a person who is under final 34070

consideration for appointment or employment in a position with a board of education, governing board of an educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different position with such board or school.

(2) "Teacher" means a person holding an educator license or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers and substitutes for other district employees under this section, the appointing or hiring officer of such educational service center shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers and other substitute employees for the local district.

Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface type in each employment application: "ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE."

(B)(1) Each district and chartered nonpublic school shall consult the "educator profile" database maintained on the web site

of the department of education prior to making any hiring 34101
decision. 34102

(2) After consulting the "educator profile" database, a 34103
district or chartered nonpublic school may further discern the 34104
employment, disciplinary, or criminal record of an applicant for 34105
employment in either or both of the following ways: 34106

(a) Consulting the office of professional conduct within the 34107
department of education in accordance with section 3319.319 of the 34108
Revised Code to determine whether the individual has been the 34109
subject of either: 34110

(i) Any notice to the department under section 3314.40, 34111
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 34112

(ii) Any disciplinary actions conducted by the department. 34113

(b) Consulting any prior education-related employers of the 34114
individual. 34115

(3) A district or chartered nonpublic school may require 34116
additional background checks other than the criminal records 34117
checks authorized under sections 109.574 to 109.577 of the Revised 34118
Code or those required under section 3319.39 or 3319.391 of the 34119
Revised Code for any applicant for employment or potential 34120
volunteer. 34121

(C) A district or chartered nonpublic school may 34122
conditionally employ an individual pending the receipt of 34123
information sought in accordance with division (B)(2) of this 34124
section. Should that information indicate that the individual has 34125
engaged in conduct unbecoming to the teaching profession or has 34126
committed an offense that prevents, limits, or otherwise affects 34127
the applicant's employment with the district or school, the 34128
district or chartered nonpublic school may release the individual 34129
from employment. 34130

Sec. 3319.394. (A) When a complaint is filed against an 34131
employee of a school district or chartered nonpublic school 34132
alleging misconduct by that employee, the district or school shall 34133
conduct a review of the personnel file of that employee to 34134
determine if any recorded or reported instance of related 34135
misconduct or disciplinary actions are contained in that 34136
employee's file. 34137

(B)(1) If a school district or chartered nonpublic school 34138
receives a request for the personnel file of a current or former 34139
employee from a district or chartered nonpublic school to which 34140
the current or former employee has applied for employment, the 34141
district or chartered nonpublic school that receives the request 34142
shall send that file to the requestor within twenty business days 34143
of receiving the request for hiring purposes. 34144

(2) If the district or school receiving the request 34145
determines that it is not possible to send the file within twenty 34146
business days, that district or school shall promptly notify the 34147
requestor and indicate the reason the information cannot be sent 34148
within that time. 34149

Sec. 3319.40. (A) As used in this section, "license" has the 34150
same meaning as in section 3319.31 of the Revised Code. 34151

(B) If a person who is employed by a school district or 34152
chartered nonpublic school is arrested, summoned, or indicted for 34153
an alleged violation of an offense listed in division (C) of 34154
section 3319.31 of the Revised Code, if the person holds a 34155
license, or an offense listed in division (B)(1) of section 34156
3319.39 of the Revised Code, if the person does not hold a 34157
license, the superintendent of the district or the chief 34158
administrative officer of the chartered nonpublic school shall 34159
suspend that person from all duties that require the care, 34160

custody, or control of a child during the pendency of the criminal 34161
action against the person. If the person who is arrested, 34162
summoned, or indicted for an alleged violation of an offense 34163
listed in division (C) of section 3319.31 or division (B)(1) of 34164
section 3319.39 of the Revised Code is a person whose duties are 34165
assigned by the district treasurer under division (B) of section 34166
3313.31 of the Revised Code, the treasurer shall suspend the 34167
person from all duties that require the care, custody, or control 34168
of a child. If the person who is arrested, summoned, or indicted 34169
for an alleged violation of an offense listed in division (C) of 34170
section 3319.31 or division (B)(1) of section 3319.39 of the 34171
Revised Code is the superintendent or treasurer of the district, 34172
the district board shall suspend the superintendent or treasurer 34173
from all duties that require the care, custody, or control of a 34174
child. If the person who is arrested, summoned, or indicted for an 34175
alleged violation of an offense listed in division (C) of section 34176
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 34177
is the chief administrative officer of the chartered nonpublic 34178
school, the governing authority of the chartered nonpublic school 34179
shall suspend the chief administrative officer from all duties 34180
that require the care, custody, or control of a child. 34181

(C) When a person who holds a license is suspended in 34182
accordance with this section, the superintendent, treasurer, board 34183
of education, chief administrative officer, or governing authority 34184
that imposed the suspension promptly shall report the person's 34185
suspension to the department of education. The report shall 34186
include the offense for which the person was arrested, summoned, 34187
or indicted. The superintendent of public instruction, on behalf 34188
of the state board of education, shall inactivate the person's 34189
license. The inactivation shall remain in force during the 34190
pendency of the criminal action against the person. The 34191
inactivation of a license under this division does not constitute 34192
a suspension or revocation of the license by the state board under 34193

section 3319.31 of the Revised Code and the state board and the 34194
state superintendent need not provide the person with an 34195
opportunity for a hearing with respect to the inactivation. If the 34196
state board does not take action against the person's license 34197
under section 3319.31 of the Revised Code, the state 34198
superintendent shall reactivate the license upon conclusion of the 34199
criminal action against the person. 34200

Sec. 3319.47. The school districts, public schools, and 34201
chartered nonpublic schools of this state may provide counseling 34202
to any victim of sexual harassment or sexually related conduct. 34203

Sec. 3319.57. (A) A grant program is hereby established under 34204
which the department of education shall award grants to assist 34205
certain schools in a city, exempted village, local, or joint 34206
vocational school district in implementing one of the following 34207
innovations: 34208

(1) The use of instructional specialists to mentor and 34209
support classroom teachers; 34210

(2) The use of building managers to supervise the 34211
administrative functions of school operation so that a school 34212
principal can focus on supporting instruction, providing 34213
instructional leadership, and engaging teachers as part of the 34214
instructional leadership team; 34215

(3) The reconfiguration of school leadership structure in a 34216
manner that allows teachers to serve in leadership roles so that 34217
teachers may share the responsibility for making and implementing 34218
school decisions; 34219

(4) The adoption of new models for restructuring the school 34220
day or school year, such as including teacher planning and 34221
collaboration time as part of the school day; 34222

(5) The creation of smaller schools or smaller units within 34223

larger schools for the purpose of facilitating teacher	34224
collaboration to improve and advance the professional practice of	34225
teaching;	34226
(6) The implementation of "grow your own" recruitment	34227
strategies that are designed to assist individuals who show a	34228
commitment to education become licensed teachers, to assist	34229
experienced teachers obtain licensure in subject areas for which	34230
there is need, and to assist teachers in becoming principals;	34231
(7) The provision of better conditions for new teachers, such	34232
as reduced teaching load and reduced class size;	34233
(8) The provision of incentives to attract qualified	34234
mathematics, science, or special education teachers;	34235
(9) The development and implementation of a partnership with	34236
teacher preparation programs at colleges and universities to help	34237
attract teachers qualified to teach in shortage areas;	34238
(10) The implementation of a program to increase the cultural	34239
competency of both new and veteran teachers;	34240
(11) The implementation of a program to increase the subject	34241
matter competency of veteran teachers.	34242
(B) To qualify for a grant to implement one of the	34243
innovations described in division (A) of this section, a school	34244
must meet both of the following criteria:	34245
(1) Be hard to staff, as defined by the department.	34246
(2) Use existing school district funds for the implementation	34247
of the innovation in an amount equal to the grant amount	34248
multiplied by (1 - the district's state share index <u>percentage</u> for	34249
the fiscal year in which the grant is awarded).	34250
For purposes of division (B)(2) of this section, "state share	34251
index <u>percentage</u> " has the same meaning as in section 3317.02 of	34252
the Revised Code.	34253

(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.

(D) The state board of education shall adopt rules for the administration of this grant program.

Sec. 3319.61. (A) The educator standards board, in consultation with the chancellor of higher education, shall do all of the following:

(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for students adopted pursuant to section 3301.079 of the Revised Code, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D)(3) of section 3301.07 of the Revised Code.

(a) The standards for teachers shall reflect the following additional criteria:

(i) Alignment with the interstate new teacher assessment and support consortium standards;

(ii) Differentiation among novice, experienced, and advanced teachers;

(iii) Reliance on competencies that can be measured;

(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;

(v) Alignment with a career-long system of professional

development and evaluation that ensures teachers receive the	34284
support and training needed to achieve the teaching standards as	34285
well as reliable feedback about how well they meet the standards;	34286
(vi) The standards under section 3301.079 of the Revised	34287
Code, including standards on collaborative learning environments	34288
and interdisciplinary, project-based, real-world learning and	34289
differentiated instruction;	34290
(vii) The Ohio leadership framework.	34291
(b) The standards for principals shall be aligned with the	34292
interstate school leaders licensing consortium standards.	34293
(2) Develop standards for school district superintendents	34294
that reflect what superintendents are expected to know and be able	34295
to do at all stages of their careers. The standards shall reflect	34296
knowledge of systems theory and effective management principles	34297
and be aligned with the buckeye association of school	34298
administrators standards and the operating standards developed	34299
under division (D)(3) of section 3301.07 of the Revised Code.	34300
(3) Develop standards for school district treasurers and	34301
business managers that reflect what treasurers and business	34302
managers are expected to know and be able to do at all stages of	34303
their careers. The standards shall reflect knowledge of systems	34304
theory and effective management principles and be aligned with the	34305
association of school business officials international standards	34306
and the operating standards developed under division (D)(3) of	34307
section 3301.07 of the Revised Code.	34308
(4) Develop standards for the renewal of licenses under	34309
sections 3301.074 and 3319.22 of the Revised Code;	34310
(5) Develop standards for educator professional development;	34311
(6) Investigate and make recommendations for the creation,	34312
expansion, and implementation of school building and school	34313

district leadership academies; 34314

(7) Develop standards for school counselors that reflect what 34315
school counselors are expected to know and be able to do at all 34316
stages of their careers. The standards shall reflect knowledge of 34317
academic, personal, and social counseling for students and 34318
effective principles to implement an effective school counseling 34319
program. The standards also shall reflect Ohio-specific knowledge 34320
of career counseling for students and education options that 34321
provide flexibility for earning credit, such as earning units of 34322
high school credit using the methods adopted by the state board of 34323
education under division (J) of section 3313.603 of the Revised 34324
Code and earning college credit through the college credit plus 34325
program established under Chapter 3365. of the Revised Code and 34326
the career-technical education credit transfer criteria, policies, 34327
and procedures established under section 3333.162 of the Revised 34328
Code. The standards shall align with the American school counselor 34329
association's professional standards and the operating standards 34330
developed under division (D)(3) of section 3301.07 of the Revised 34331
Code. 34332

The superintendent of public instruction, the chancellor of 34333
higher education, or the education standards board itself may 34334
request that the educator standards board update, review, or 34335
reconsider any standards developed under this section. 34336

(B) The educator standards board shall incorporate indicators 34337
of cultural competency into the standards developed under division 34338
(A) of this section. For this purpose, the educator standards 34339
board shall develop a definition of cultural competency based upon 34340
content and experiences that enable educators to know, understand, 34341
and appreciate the students, families, and communities that they 34342
serve and skills for addressing cultural diversity in ways that 34343
respond equitably and appropriately to the cultural needs of 34344
individual students. 34345

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following:

(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A)(5) of this section shall include the following:

(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development;

(2) Standards that address the crucial link between academic achievement and mental health issues.

(F) The educator standards board shall also perform the following functions:

(1) Monitor compliance with the standards developed under

division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met;

(2) Research, develop, and recommend policies on the professions of teaching and school administration;

(3) Recommend policies to close the achievement gap between students of different subgroups;

(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;

(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make

recommendations for incorporating the measurement as one of 34407
multiple evaluation criteria into each of the following: 34408

(a) Eligibility for a professional educator license, senior 34409
professional educator license, lead professional educator license, 34410
or principal license issued under section 3319.22 of the Revised 34411
Code; 34412

(b) The Ohio teacher residency program established under 34413
section 3319.223 of the Revised Code; 34414

(c) The model teacher and principal evaluation instruments 34415
and processes developed under division (F)(6) of this section. 34416

(G) The educator standards board shall submit recommendations 34417
of standards developed under division (A) of this section to the 34418
state board of education not later than September 1, 2010. The 34419
state board of education shall review those recommendations at the 34420
state board's regular meeting that next succeeds the date that the 34421
recommendations are submitted to the state board. At that meeting, 34422
the state board of education shall vote to either adopt standards 34423
based on those recommendations or request that the educator 34424
standards board reconsider its recommendations. The state board of 34425
education shall articulate reasons for requesting reconsideration 34426
of the recommendations but shall not direct the content of the 34427
recommendations. The educator standards board shall reconsider its 34428
recommendations if the state board of education so requests, may 34429
revise the recommendations, and shall resubmit the 34430
recommendations, whether revised or not, to the state board not 34431
later than two weeks prior to the state board's regular meeting 34432
that next succeeds the meeting at which the state board requested 34433
reconsideration of the initial recommendations. The state board of 34434
education shall review the recommendations as resubmitted by the 34435
educator standards board at the state board's regular meeting that 34436
next succeeds the meeting at which the state board requested 34437
reconsideration of the initial recommendations and may adopt the 34438

standards as resubmitted or, if the resubmitted standards have not 34439
addressed the state board's concerns, the state board may modify 34440
the standards prior to adopting them. The final responsibility to 34441
determine whether to adopt standards as described in division (A) 34442
of this section and the content of those standards, if adopted, 34443
belongs solely to the state board of education. 34444

Sec. 3319.99. (A) Whoever violates division ~~(A)~~(B)(1) of 34445
section 3319.151 of the Revised Code is guilty of a minor 34446
misdemeanor. 34447

(B) Whoever violates division (H)(1) of section 3319.311 of 34448
the Revised Code is guilty of a misdemeanor of the first degree. 34449

(C) Whoever violates division (F) of section 3319.313 of the 34450
Revised Code shall be punished as follows: 34451

(1) Except as otherwise provided in division (C)(2) of this 34452
section, the person is guilty of a misdemeanor of the fourth 34453
degree. 34454

(2) The person is guilty of a misdemeanor of the first degree 34455
if both of the following conditions apply: 34456

(a) The employee who is the subject of the report that the 34457
person fails to submit was required to be reported for the 34458
commission or alleged commission of an act or offense involving 34459
the infliction on a child of any physical or mental wound, injury, 34460
disability, or condition of a nature that constitutes abuse or 34461
neglect of the child; 34462

(b) During the period between the violation of division (F) 34463
of section 3319.313 of the Revised Code and the conviction of or 34464
plea of guilty by the person for that violation, the employee who 34465
is the subject of the report that the person fails to submit 34466
inflicts on any child attending a school district, educational 34467
service center, public or nonpublic school, or county board of 34468

developmental disabilities where the employee works any physical 34469
or mental wound, injury, disability, or condition of a nature that 34470
constitutes abuse or neglect of the child. 34471

(D) Whoever violates division (B) or (D) of section 3319.317 34472
of the Revised Code is guilty of a misdemeanor of the first 34473
degree. 34474

Sec. 3324.05. (A) Each school district shall submit an annual 34475
report to the department of education specifying the number of 34476
students in each of grades kindergarten through twelve screened, 34477
the number assessed, and the number identified as gifted and 34478
served in each category specified in section 3324.03 of the 34479
Revised Code. 34480

(B) Not later than the thirty-first day of October of each 34481
year, the department shall publish both of the following using 34482
data submitted by school districts under the education management 34483
information system established under section 3301.0714 of the 34484
Revised Code: 34485

(1) Services offered by each school district to students 34486
identified as gifted in each of the following grade bands: 34487

(a) Kindergarten through third grade; 34488

(b) Fourth through eighth grade; 34489

(c) Ninth through twelfth grade. 34490

(2) The number of licensed gifted intervention specialists 34491
and coordinators employed or contracted by each school district. 34492

(C) The department of education shall audit each school 34493
district's identification and service numbers at least once every 34494
three years and may select any district at random or upon 34495
complaint or suspicion of noncompliance for a further audit to 34496
determine compliance with sections 3324.03 to 3324.06 of the 34497
Revised Code. 34498

~~(C)~~(D) The department shall provide technical assistance to 34499
any district found in noncompliance under division ~~(B)~~ (C) of this 34500
section. The department ~~may~~ shall reduce funds received by the 34501
district under Chapter 3317. of the Revised Code by any amount if 34502
the district continues to be noncompliant. 34503

Sec. 3324.09. Not later than the thirtieth day of October of 34504
each year, the department of education shall publish on its web 34505
site ~~each school district's expenditures for the previous fiscal~~ 34506
~~year of the~~ funds received for the previous fiscal year by each 34507
school district under division ~~(A)(7)~~ (A)(6) of section 3317.022 34508
of the Revised Code for the identification of and services 34509
provided to the district's gifted students and each district's 34510
expenditures of those funds. 34511

Sec. 3326.02. There is hereby established the STEM committee 34512
of the department of education consisting of the following 34513
members: 34514

(A) The superintendent of public instruction, or the 34515
superintendent's designee; 34516

(B) The chancellor of ~~the Ohio board of regents~~ higher 34517
education, or the chancellor's designee; 34518

(C) The director of development, or the director's designee; 34519

(D) Four members of the public, two of whom shall be 34520
appointed by the governor, one of whom shall be appointed by the 34521
speaker of the house of representatives, and one of whom shall be 34522
appointed by the president of the senate. Members of the public 34523
shall be appointed based on their expertise in business or in STEM 34524
fields. ~~The initial members of the committee shall be appointed~~ 34525
~~under division (D) of this section not later than forty five days~~ 34526
~~after June 30, 2007.~~ 34527

All members of the committee appointed under division (D) of 34528

this section shall serve at the pleasure of their appointing 34529
authority. 34530

If a member listed in divisions (A) to (C) of this section 34531
elects to assign a designee to participate in committee business 34532
on the member's behalf, the member shall assign that designation 34533
to a single person for the time period in which the designation is 34534
effective. 34535

Members of the committee shall receive no compensation for 34536
their services. The department of education shall provide 34537
administrative support for the committee. 34538

Sec. 3326.03. (A) The STEM committee shall authorize the 34539
establishment of ~~and award grants to~~ science, technology, 34540
engineering, and mathematics schools based on proposals submitted 34541
to the committee. 34542

The committee shall determine the criteria for proposals, 34543
establish procedures for the submission of proposals, accept and 34544
evaluate proposals, and choose which proposals to approve to 34545
become a STEM school. In approving proposals for STEM schools, the 34546
committee shall consider ~~locating the~~ designating schools in 34547
diverse geographic regions of the state so that all students have 34548
access to a STEM school. 34549

The committee shall seek technical assistance from the Ohio 34550
STEM learning network, or its successor, throughout the process of 34551
accepting and evaluating proposals and choosing which proposals to 34552
approve. In approving proposals for STEM schools, the committee 34553
shall consider the recommendations of the Ohio STEM learning 34554
network, or its successor. 34555

The committee may authorize the establishment of a group of 34556
multiple STEM schools to operate from multiple facilities located 34557
in one or more school districts under the direction of a single 34558

governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, ~~upon a proposal from the governing body,~~ the committee may authorize one or more additional schools to operate as part of that group, provided a proposal for each school is submitted in accordance with this section.

The STEM committee may approve one or more STEM schools to serve only students identified as gifted under Chapter 3324. of the Revised Code.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

(1) A city, exempted village, or local, ~~or joint vocational school district or an educational service center;~~

(2) Higher education entities;

(3) Business organizations.

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) A statement of which of grades kindergarten through twelve will be offered by the school;

(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

~~(2)~~(3) Assurances that each STEM school will operate in

compliance with this chapter and the provisions of the proposal as 34589
accepted by the committee and that the school will maintain the 34590
STEM education practices set forth in the proposal; 34591

~~(3)~~(4) Evidence that each school will exhibit school-wide 34592
cultural strategies reflecting innovation, an entrepreneurial 34593
spirit, inquiry, and collaboration with individual accountability; 34594

(5) Evidence that each school will offer a rigorous, diverse, 34595
integrated, and problem- or project-based curriculum to all 34596
students in any of grades kindergarten through twelve enrolled in 34597
the school, with the goal to prepare ~~those~~ all students for 34598
college post-high school learning experiences, the workforce, and 34599
citizenship, and that does all of the following: 34600

(a) Emphasizes and supports the role of science, technology, 34601
engineering, and mathematics in promoting innovation and economic 34602
progress; 34603

(b) ~~Incorporates scientific inquiry and technological design~~ 34604
Emphasizes the use of design thinking as a school-wide approach; 34605

(c) Provides opportunities for students to engage in 34606
personalized learning; 34607

(d) Includes the arts and humanities. If the proposal is for 34608
a STEAM school, it also shall include evidence that the curriculum 34609
will integrate arts and design into the study of science, 34610
technology, engineering, and mathematics to foster creative 34611
thinking, problem-solving, and new approaches to scientific 34612
invention. 34613

~~(d) Emphasizes personalized learning and teamwork skills.~~ 34614

~~(4)~~(6) Evidence that each school ~~will attract school leaders~~ 34615
~~who support~~ leadership supports the curriculum principles of 34616
division ~~(C)~~(3) (C)(5) of this section; 34617

~~(5)~~(7) A description of how each school's curriculum ~~will be~~ 34618

was developed using the curriculum principles described in 34619
division (C)(5) of this section and approved by a team in 34620
accordance with section 3326.09 of the Revised Code; 34621

~~(6)(8)~~ Evidence that each school will ~~utilize an established~~ 34622
~~capacity to capture and share knowledge for best practices and~~ 34623
~~innovative professional development with the Ohio STEM learning~~ 34624
~~network, or its successor~~ participate in regular STEM-focused 34625
professional development and share knowledge of best practices; 34626

~~(7)(9)~~ Evidence that each school will ~~operate in~~ 34627
~~collaboration with a partnership that includes~~ has established 34628
partnerships with institutions of higher education and businesses. 34629
If the proposal is for a STEAM school, it also shall include 34630
evidence ~~that this partnership will include~~ of established 34631
partnerships with one or more arts organizations. 34632

~~(8)(10)~~ Assurances that each school has received commitments 34633
of sustained and verifiable fiscal and in-kind support from 34634
regional education and business entities. If the proposal is for a 34635
STEAM school, it also shall include assurances that the school has 34636
received commitments of sustained and verifiable fiscal and 34637
in-kind support from arts organizations. 34638

~~(9)(11)~~ A description of how each school's assets will be 34639
distributed if the school closes for any reason. 34640

(D) A STEM school that is designated under this section may 34641
submit an amended proposal to the STEM committee at any time to 34642
offer additional grade levels. Upon approval of the amended 34643
proposal by the committee, those grades may be offered by the 34644
school. 34645

(E)(1) If a school is designated as a STEM school under this 34646
section, it shall maintain that designation for five years unless 34647
the STEM committee revokes its designation during that five-year 34648
period under division (F) of this section. At the end of that 34649

five-year period, the school shall reapply to the STEM committee 34650
in order to maintain that designation. The committee shall 34651
authorize the continuation of the school's STEM designation if the 34652
committee finds that the school is in compliance with this chapter 34653
and the provisions of its proposal and any subsequent amendments 34654
to that proposal. 34655

If a school chooses not to reapply for designation as a STEM 34656
school under division (E)(1) of this section, the committee shall 34657
revoke the school's designation at the end of its five-year 34658
designation period. 34659

(2) If a school reapplies for its designation as a STEM 34660
school under division (E)(1) of this section and the committee has 34661
reason to believe that it is not in compliance with this chapter 34662
or the provisions of its proposal and any subsequent amendments to 34663
that proposal, the committee shall require the school, in 34664
collaboration with the department of education and the Ohio STEM 34665
learning network or its successor, to develop a corrective action 34666
plan. The school shall implement the corrective action plan and 34667
demonstrate exemplary STEM pedagogy and practices within one year 34668
of the plan's development. If the school fails to implement the 34669
corrective action plan to the satisfaction of the committee at the 34670
end of that year, the committee shall revoke the school's 34671
designation. 34672

(3) The department shall maintain records of the application 34673
status and designation renewal deadlines for each school that has 34674
been designated as a STEM school under this section. 34675

(F) If the STEM committee has reason to believe that a school 34676
that is designated as a STEM school under this section is not in 34677
compliance with this chapter or the provisions of its proposal and 34678
any subsequent amendments to that proposal, it may review the 34679
school's designation prior to the end of its five-year designation 34680
period. If the committee reviews a school's designation under this 34681

division, it must require the school to develop a corrective 34682
action plan in the same manner as specified in division (E)(2) of 34683
this section and implement that plan and demonstrate exemplary 34684
STEM pedagogy and practices within one year of the plan's 34685
development. If the school fails to implement the corrective 34686
action plan to the satisfaction of the committee at the end of 34687
that year, the committee shall revoke the school's designation. 34688

(G) If a STEM school wishes to become a STEAM school, it may 34689
change its existing proposal to include the items required under 34690
divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and 34691
(C)(10) of this section and submit the revised proposal to the 34692
STEM committee for approval. 34693

(H) Notwithstanding division (B)(1) of this section, on and 34694
after the effective date of this amendment, a school operated by a 34695
joint vocational school district that was designated as a STEM 34696
school prior to that date may maintain that designation provided 34697
the school continues to comply with this chapter and all 34698
provisions of its proposal and any subsequent amendments to that 34699
proposal. However, nothing shall prohibit that school from 34700
electing to apply for distinction as a STEM program of excellence 34701
under section 3326.04 of the Revised Code. 34702

Sec. 3326.032. (A) The STEM committee may grant a designation 34703
of STEM school equivalent to a community school established under 34704
Chapter 3314. of the Revised Code, ~~to a career center,~~ or to a 34705
chartered nonpublic school. In order to be eligible for this 34706
designation, a community school, ~~a career center,~~ or chartered 34707
nonpublic school shall submit a proposal that satisfies the 34708
requirements of this section. 34709

The committee shall determine the criteria for proposals, 34710
establish procedures for the submission of proposals, accept and 34711
evaluate proposals, and choose which proposals warrant a community 34712

school, ~~career center~~, or chartered nonpublic school to be 34713
designated as a STEM school equivalent. 34714

(B) A proposal for designation as a STEM school equivalent 34715
shall include at least the following: 34716

(1) ~~Assurances that the community school, career center, or~~ 34717
~~chartered nonpublic school submitting the proposal has a working~~ 34718
~~partnership with both public and private entities, including~~ 34719
~~higher education entities and business organizations. If the~~ 34720
~~proposal is for a STEAM school equivalent, it also shall include~~ 34721
~~evidence that this partnership includes arts organizations. A~~ 34722
statement of which of grades kindergarten through twelve will be 34723
offered by the school; 34724

(2) Assurances that the school ~~or career center~~ submitting 34725
the proposal will operate in compliance with this section and the 34726
provisions of the proposal as accepted by the committee and that 34727
the school will maintain the STEM education practices set forth in 34728
the proposal; 34729

(3) Evidence that the school submitting the proposal will 34730
exhibit school-wide cultural strategies reflecting innovation, an 34731
entrepreneurial spirit, inquiry, and collaboration with individual 34732
accountability; 34733

(4) Evidence that the school ~~or career center~~ submitting the 34734
proposal will offer a rigorous, diverse, integrated, and problem- 34735
or project-based curriculum to all students ~~in any of grades~~ 34736
~~kindergarten through twelve~~ enrolled in the school, with the goal 34737
to prepare ~~those~~ all students for college post-secondary learning 34738
experiences, the workforce, and citizenship, and that does all of 34739
the following: 34740

(a) Emphasizes and supports the role of science, technology, 34741
engineering, and mathematics in promoting innovation and economic 34742
progress; 34743

(b) Incorporates scientific inquiry and technological design	34744
<u>Emphasizes the use of design thinking as a school-wide approach;</u>	34745
(c) <u>Provides opportunities for students to engage in</u>	34746
<u>personalized learning;</u>	34747
(d) Includes the arts and humanities. If the proposal is for	34748
a STEAM school equivalent, it also shall include evidence that the	34749
curriculum will integrate arts and design into the study of	34750
science, technology, engineering, and mathematics to foster	34751
creative thinking, problem-solving, and new approaches to	34752
scientific invention.	34753
(d) Emphasizes personalized learning and teamwork skills.	34754
(4)(5) Evidence that the school or career center submitting	34755
the proposal will attract school leaders who support leadership	34756
supports the curriculum principles of division (B)(3) (B)(4) of	34757
this section;	34758
(5)(6) A description of how each the school's or career	34759
center's curriculum will be was developed using the principles of	34760
division (B)(4) of this section and approved by a team in	34761
accordance with section 3326.09 of the Revised Code;	34762
(6)(7) Evidence that the school or career center submitting	34763
the proposal will utilize an established capacity to capture and	34764
share knowledge for best practices and innovative professional	34765
development participate in regular professional development and	34766
share knowledge of best practices;	34767
(7)(8) Evidence that the school submitting the proposal has	34768
established partnerships with institutions of higher education and	34769
businesses. If the proposal is for a STEAM school equivalent, it	34770
also shall include evidence of established partnerships with one	34771
or more arts organizations.	34772
(9) Assurances that the school or career center submitting	34773

the proposal has received commitments of sustained and verifiable 34774
fiscal and in-kind support from regional education and business 34775
entities. If the proposal is for a STEAM school equivalent, it 34776
also shall include assurances that the school ~~or career center~~ has 34777
received commitments of sustained and verifiable fiscal and 34778
in-kind support from arts organizations. 34779

(C)(1) If a school is designated as a STEM school equivalent 34780
under this section, it shall maintain that designation for five 34781
years unless the STEM committee revokes its designation during 34782
that five-year period under division (D) of this section. At the 34783
end of that five-year period, the school shall reapply to the STEM 34784
committee in order to maintain that designation. The committee 34785
shall authorize the continuation of the school's designation as a 34786
STEM school equivalent if the committee finds that the school is 34787
in compliance with this chapter and the provisions of its proposal 34788
and any subsequent amendments to that proposal. 34789

If a school chooses not to reapply for designation as a STEM 34790
school equivalent under division (C)(1) of this section, the 34791
committee shall revoke the school's designation at the end of its 34792
five-year designation period. 34793

(2) If a school reapplies for its designation as a STEM 34794
school equivalent under division (C)(1) of this section and the 34795
committee has reason to believe that it is not in compliance with 34796
this chapter or the provisions of its proposal and any subsequent 34797
amendments to that proposal, the committee shall require the 34798
school, in collaboration with the department of education and the 34799
Ohio STEM learning network or its successor, to develop a 34800
corrective action plan. The school shall implement the corrective 34801
action plan and demonstrate exemplary STEM pedagogy and practices 34802
within one year of the plan's development. If the school fails to 34803
implement the corrective action plan to the satisfaction of the 34804
committee at the end of that year, the committee shall revoke the 34805

school's designation. 34806

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school equivalent under this section. 34807
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(D) If the STEM committee has reason to believe that a school that is designated as a STEM school equivalent under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (C)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 34810
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(E) A community school, ~~career center~~, or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school ~~or career center~~ shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code. 34824
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Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to chartered nonpublic schools. 34830
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(2) A community school, ~~career center~~, or chartered nonpublic school that is designated as a STEM school equivalent under this 34835
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section shall not be eligible for operating funding under sections 34837
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 34838
Code. 34839

(3) A community school, ~~career center~~, or chartered nonpublic 34840
school that is designated as a STEM school equivalent under this 34841
section may apply for any of the grants and additional funds 34842
described in section 3326.38 of the Revised Code for which the 34843
school ~~or career center~~ is eligible. 34844

~~(D)~~(F) If a community school, ~~a career center~~, or chartered 34845
nonpublic school that is designated as a STEM school equivalent 34846
under this section intends to close or intends to no longer be 34847
designated as a STEM school equivalent, it shall notify the STEM 34848
committee of that fact. 34849

~~(E)~~(G) If a community school, ~~a career center~~, or chartered 34850
nonpublic school that is designated as a STEM school equivalent 34851
wishes to be designated as a STEAM school equivalent, it may 34852
change its existing proposal to include the items required under 34853
divisions ~~(B)(1)~~, ~~(B)(3)(e)~~ (B)(4)(d), (B)(8), and ~~(B)(7)~~ (B)(9) 34854
of this section and submit the revised proposal to the STEM 34855
committee for approval. 34856

~~(F) As used in this section, "career center" means a school 34857
building that enrolls students in any of grades nine through 34858
twelve and in which a career technical planning district, as 34859
defined in section 3317.023 of the Revised Code, provides 34860
career technical education services that meet standards adopted by 34861
the state board of education. 34862~~

Sec. 3326.04. (A) The STEM committee shall ~~award grants to~~ 34863
~~support the operation of~~ grant distinctions as STEM programs of 34864
excellence ~~to serve students in any of grades kindergarten through~~ 34865
~~twelve through a request for proposals to~~ STEM programs operated 34866
by joint vocational school districts and educational service 34867

centers in accordance with this section. 34868

~~(B) Proposals may be submitted by any of the following:~~ 34869

~~(1) The board of education of a city, exempted village, or local school district;~~ 34870
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~~(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;~~ 34872
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~~(3) The governing authority of a chartered nonpublic school.~~ 34874

~~(C) Each A joint vocational school district or educational service center may submit a proposal to the STEM committee seeking distinction as a STEM program of excellence. The proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:~~ 34875
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~~(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.~~ 34880
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~~(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~ 34884
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~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~ 34893
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~~(4) The program will utilize an established capacity to~~ 34897

~~capture and share knowledge for best practices and innovative professional development.~~ 34898
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~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.~~ 34900
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~~(6) The program will include teacher professional development strategies that are augmented by community and business partners. The program will provide students with the opportunity to innovate, develop an entrepreneurial spirit, engage in inquiry, and collaborate with individual accountability.~~ 34905
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(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following: 34910
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(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress; 34915
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(b) Emphasizes the use of design thinking as a school-wide approach; 34918
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(c) Provides opportunities for students to engage in personalized learning; 34920
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(d) Includes the arts and humanities. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention. 34922
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(4) The district or service center leadership supports the curriculum principles of division (B)(3) of this section. 34928
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(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices. 34930
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(6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations. 34932
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 34937
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~~(D) The STEM committee shall give priority to proposals for new or expanding innovative programs~~(C)(1) If a joint vocational school district or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's or service center's distinction as a STEM program of excellence if the committee finds that the district or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 34943
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If a joint vocational school district or educational service center chooses not to reapply for a distinction for a STEM program 34957
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of excellence under division (C)(1) of this section, the committee 34959
shall revoke the district's or service center's distinction at the 34960
end of its five-year period of distinction. 34961

(2) If a joint vocational school district or educational 34962
service center reapplies for distinction as a STEM program of 34963
excellence under division (C)(1) of this section and the committee 34964
has reason to believe that it is not in compliance with this 34965
chapter or the provisions of its proposal and any subsequent 34966
amendments to that proposal, the committee shall require the 34967
district or service center, in collaboration with the department 34968
of education and the Ohio STEM learning network or its successor, 34969
to develop a corrective action plan. The district or service 34970
center shall implement the corrective action plan and demonstrate 34971
exemplary STEM pedagogy and practices within one year of the 34972
plan's development. If the district or service center fails to 34973
implement the corrective action plan to the satisfaction of the 34974
committee at the end of that year, the committee shall revoke the 34975
district's or service center's distinction. 34976

(3) The department shall maintain records of the application 34977
status and designation renewal deadlines for each joint vocational 34978
school district or educational service center that has received a 34979
distinction as a STEM program of excellence under this section. 34980

(D) If the STEM committee has reason to believe that a joint 34981
vocational school district or educational service center that has 34982
received a distinction as a STEM program of excellence under this 34983
section is not in compliance with this chapter or the provisions 34984
of its proposal and any subsequent amendments to that proposal, it 34985
may review the district's or service center's distinction prior to 34986
the end of the five-year period during which that distinction is 34987
effective. If the committee reviews a district's or service 34988
center's distinction under this division, it must require the 34989
district or service center to develop a corrective action plan in 34990

the same manner as specified in division (C)(2) of this section 34991
and implement that plan and demonstrate exemplary STEM pedagogy 34992
and practices within one year of the plan's development. If the 34993
district or service center fails to implement the corrective 34994
action plan to the satisfaction of the committee at the end of 34995
that year, the committee shall revoke the district's or service 34996
center's distinction. 34997

(E) If a joint vocational school district or educational 34998
service center that has received distinction for a STEM program of 34999
excellence instead wishes to ~~become a~~ receive a distinction for a 35000
STEAM program of excellence, it may change its existing proposal 35001
to include the items required under divisions ~~(C)(2)~~ (B)(3)(d), 35002
(B)(6), and ~~(C)(5)~~ (B)(7) of this section and submit the revised 35003
proposal to the STEM committee for approval. 35004

Sec. 3326.07. Each science, technology, engineering, and 35005
mathematics school established under this chapter is a public 35006
school, is part of the state's program of education, may contract 35007
for any services necessary for the operation of the school, and 35008
may continue in operation for as long as the school is in 35009
compliance with the provisions of this chapter and with the 35010
proposal for its establishment as approved by the STEM committee. 35011
If the school closes for any reason, its assets shall be 35012
distributed in the manner provided in the proposal for its 35013
establishment as required by division ~~(C)(9)~~ (C)(11) of section 35014
3326.03 of the Revised Code. 35015

Sec. 3326.08. (A) The governing body of each science, 35016
technology, engineering, and mathematics school shall engage the 35017
services of administrative officers, teachers, and nonteaching 35018
employees of the STEM school necessary for the school to carry out 35019
its mission and shall oversee the operations of the school. The 35020
governing body of each STEM school shall engage the services of a 35021

chief administrative officer to serve as the school's 35022
instructional and administrative leader. The chief administrative 35023
officer shall be granted the authority to oversee the recruitment, 35024
retention, and employment of teachers and nonteaching employees. 35025

(B) The department of education shall monitor the oversight 35026
of each STEM school exercised by the school's governing body and 35027
shall monitor the school's compliance with this chapter and with 35028
the proposal for the establishment of the school as it was 35029
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 35030
the Revised Code. ~~If~~ Except in the case of a STEM school that is 35031
governed and controlled by a school district in accordance with 35032
section 3326.51 of the Revised Code, if the department finds that 35033
the school is not in compliance with this chapter or with the 35034
proposal and the STEM committee has revoked the school's STEM 35035
designation under division (E)(1) or (2) or (F) of section 3326.03 35036
of the Revised Code, the department shall consult with the STEM 35037
committee, and the committee ~~may~~ shall order the school to close 35038
on the last day of the school year in which the committee issues 35039
its order. 35040

(C) The governing body of each STEM school shall comply with 35041
sections 121.22 and 149.43 of the Revised Code. 35042

Sec. 3326.081. (A) As used in this section, "license" has the 35043
same meaning as in section 3319.31 of the Revised Code. 35044

(B) If a person who is employed by a science, technology, 35045
engineering, and mathematics school established under this chapter 35046
is arrested, summoned, or indicted for an alleged violation of an 35047
offense listed in division (C) of section 3319.31 of the Revised 35048
Code, if the person holds a license, or an offense listed in 35049
division (B)(1) of section 3319.39 of the Revised Code, if the 35050
person does not hold a license, the chief administrative officer 35051
of the school shall suspend that person from all duties that 35052

require the care, custody, or control of a child during the 35053
pendency of the criminal action against the person. If the person 35054
who is arrested, summoned, or indicted for an alleged violation of 35055
an offense listed in division (C) of section 3319.31 or division 35056
(B)(1) of section 3319.39 of the Revised Code is the chief 35057
administrative officer of the school, the governing body of the 35058
school shall suspend the chief administrative officer from all 35059
duties that require the care, custody, or control of a child. 35060

(C) When a person who holds a license is suspended in 35061
accordance with this section, the chief administrative officer or 35062
governing body that imposed the suspension promptly shall report 35063
the person's suspension to the department of education. The report 35064
shall include the offense for which the person was arrested, 35065
summoned, or indicted. The superintendent of public instruction, 35066
on behalf of the state board of education, shall inactivate the 35067
person's license. The inactivation shall remain in force during 35068
the pendency of the criminal action against the person. The 35069
inactivation of a license under this division does not constitute 35070
a suspension or revocation of the license by the state board under 35071
section 3319.31 of the Revised Code and the state board and the 35072
state superintendent need not provide the person with an 35073
opportunity for a hearing with respect to the inactivation. If the 35074
state board does not take action against the person's license 35075
under section 3319.31 of the Revised Code, the state 35076
superintendent shall reactivate the license upon conclusion of the 35077
criminal action against the person. 35078

Sec. 3326.11. Each science, technology, engineering, and 35079
mathematics school established under this chapter and its 35080
governing body shall comply with sections 9.90, 9.91, 109.65, 35081
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 35082
3301.0714, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.14, 35083
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 35084

3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 35085
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 35086
3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 35087
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 35088
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 35089
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 35090
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 35091
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 35092
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 35093
3319.078, 3319.0812, 3319.21, 3319.318, 3319.32, 3319.321, 35094
3319.35, 3319.39, 3319.391, 3319.393, 3319.394, 3319.41, 3319.45, 35095
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 35096
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 35097
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 35098
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 35099
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 35100
school district. 35101

Sec. 3326.14. Each science, technology, engineering, and 35102
mathematics school and its governing body shall administer the 35103
assessments required by sections 3301.0710, 3301.0711, and 35104
3301.0712 of the Revised Code, as if it were a school district, 35105
~~except that, notwithstanding any provision of those sections to~~ 35106
~~the contrary, any student enrolled in a grade lower than the tenth~~ 35107
~~grade in a STEM school may take one or more of the Ohio graduation~~ 35108
~~tests prescribed under division (B)(1) of section 3301.0710 of the~~ 35109
~~Revised Code on any of the dates prescribed for that assessment.~~ 35110

Sec. 3326.23. This section does not apply to any science, 35111
technology, engineering, and mathematics school that is governed 35112
and controlled by a school district in accordance with section 35113
3326.51 of the Revised Code on or after the effective date of this 35114

amendment. 35115

The governing body of each science, technology, engineering, 35116
and mathematics school annually shall provide the following 35117
assurances in writing to the department of education not later 35118
than ten business days prior to the opening of the school: 35119

(A) That the school has a plan for providing special 35120
education and related services to students with disabilities and 35121
has demonstrated the capacity to provide those services in 35122
accordance with Chapter 3323. of the Revised Code and federal law; 35123

(B) That the school has a plan and procedures for 35124
administering the achievement and diagnostic assessments 35125
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 35126
Revised Code; 35127

(C) That school personnel have the necessary training, 35128
knowledge, and resources to properly use and submit information to 35129
all databases maintained by the department for the collection of 35130
education data, including the education management information 35131
system established under section 3301.0714 of the Revised Code; 35132

(D) That all required information about the school has been 35133
submitted to the Ohio education directory system or any successor 35134
system; 35135

(E) That all classroom teachers are licensed in accordance 35136
with sections 3319.22 to 3319.31 of the Revised Code or are 35137
engaged to teach pursuant to section 3319.301 of the Revised Code; 35138

(F) That the school's treasurer is in compliance with section 35139
3326.21 of the Revised Code; 35140

(G) That the school has complied with sections 3319.39 and 35141
3319.391 of the Revised Code with respect to all employees and 35142
that the school has conducted a criminal records check of each of 35143
its governing body members; 35144

(H) That the school holds all of the following:	35145
(1) Proof of property ownership or a lease for the facilities used by the school;	35146 35147
(2) A certificate of occupancy;	35148
(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	35149 35150
(4) A satisfactory health and safety inspection;	35151
(5) A satisfactory fire inspection;	35152
(6) A valid food permit, if applicable.	35153
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	35154 35155 35156
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	35157 35158
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	35159 35160 35161
Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:	35162 35163
(A)(1) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) <u>(1)</u> of section 3317.014 of the Revised Code.	35164 35165 35166 35167
(2) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) <u>(A)(2)</u> of section 3317.014 of the Revised Code.	35168 35169 35170
(3) "Category three career-technical student" means a student who is receiving the career-technical education services described	35171 35172

in division ~~(C)~~ (A)(3) of section 3317.014 of the Revised Code. 35173

(4) "Category four career-technical student" means a student 35174
who is receiving the career-technical education services described 35175
in division ~~(D)~~ (A)(4) of section 3317.014 of the Revised Code. 35176

(5) "Category five career-technical education student" means 35177
a student who is receiving the career-technical education services 35178
described in division ~~(E)~~ (A)(5) of section 3317.014 of the 35179
Revised Code. 35180

(B)(1) "Category one English learner" means an English 35181
learner described in division (A) of section 3317.016 of the 35182
Revised Code. 35183

(2) "Category two English learner" means an English learner 35184
described in division (B) of section 3317.016 of the Revised Code. 35185

(3) "Category three English learner" means an English learner 35186
described in division (C) of section 3317.016 of the Revised Code. 35187

(C)(1) "Category one special education student" means a 35188
student who is receiving special education services for a 35189
disability specified in division (A) of section 3317.013 of the 35190
Revised Code. 35191

(2) "Category two special education student" means a student 35192
who is receiving special education services for a disability 35193
specified in division (B) of section 3317.013 of the Revised Code. 35194

(3) "Category three special education student" means a 35195
student who is receiving special education services for a 35196
disability specified in division (C) of section 3317.013 of the 35197
Revised Code. 35198

(4) "Category four special education student" means a student 35199
who is receiving special education services for a disability 35200
specified in division (D) of section 3317.013 of the Revised Code. 35201

(5) "Category five special education student" means a student 35202

who is receiving special education services for a disability 35203
specified in division (E) of section 3317.013 of the Revised Code. 35204

(6) "Category six special education student" means a student 35205
who is receiving special education services for a disability 35206
specified in division (F) of section 3317.013 of the Revised Code. 35207

(D) ~~"Formula amount" has the same meaning as in section~~ 35208
~~3317.02 of the Revised Code.~~ "Economically disadvantaged index for 35209
a science, technology, engineering, and mathematics school" means 35210
the square of the quotient of the percentage of students enrolled 35211
in the school who are identified as economically disadvantaged as 35212
defined by the department of education, divided by the percentage 35213
of students in the statewide ADM identified as economically 35214
disadvantaged. For purposes of this calculation, the "statewide 35215
ADM" equals the "statewide ADM" for city, local, and exempted 35216
village school districts described in division (F)(1) of section 35217
3317.02 of the Revised Code. 35218

(E) "Funding base" means the following: 35219

(1) For a science, technology, engineering, and mathematics 35220
school that was in operation for the entirety of fiscal year 2020, 35221
the amount paid to the school for that fiscal year under section 35222
3326.33 of the Revised Code as that section existed prior to the 35223
effective date of this amendment in accordance with division (A) 35224
of Section 265.235 of H.B. 166 of the 133rd general assembly and 35225
the amount, if any, paid to the school for that fiscal year under 35226
section 3326.41 of the Revised Code in accordance with division 35227
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly; 35228

(2) For a science, technology, engineering, and mathematics 35229
school that was in operation for part of fiscal year 2020, the 35230
amount that would have been paid to the school for that fiscal 35231
year under section 3326.33 of the Revised Code as that section 35232
existed prior to the effective date of this amendment in 35233

accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(F) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

~~(F)~~(G) A science, technology, engineering, and mathematics school's "general phase-in percentage" for a fiscal year is equal to the general phase-in percentage for that fiscal year for city, local, exempted village, and joint vocational school districts as defined in section 3317.02 of the Revised Code.

(H) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

~~(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. (I) "Statewide average base cost per pupil" and "statewide average career-technical base cost per pupil" have the same meanings as in section 3317.02 of the Revised Code.~~ 35265
35266
35267
35268
35269

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information: 35270
35271
35272
35273

(A) The total number of students enrolled in the school who are residents of this state; 35274
35275

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP; 35276
35277
35278

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student; 35279
35280
35281

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1), ~~(B) (2)~~, ~~(C) (3)~~, ~~(D) (4)~~, and ~~(E) (5)~~ of section 3317.014 of the Revised Code that are provided by the STEM school; 35282
35283
35284
35285
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(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student; 35288
35289
35290
35291

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the 35292
35293
35294

number reported under division (F) of this section based on 35295
anything other than family income. 35296

(G) The resident district of each student reported under 35297
division (A) of this section; 35298

(H) The total number of students enrolled in the school who 35299
are not residents of this state and any additional information 35300
regarding these students that the department requires the school 35301
to report. The school shall not receive any payments under this 35302
chapter for students reported under this division. 35303

(I) Any additional information the department determines 35304
necessary to make payments under this chapter. 35305

Sec. 3326.33. (A) For each fiscal year, the department of 35306
education shall compute and distribute state core foundation 35307
funding to each science, technology, engineering, and mathematics 35308
school established under this chapter or, if the school is part of 35309
a group of STEM schools under section 3326.031 of the Revised 35310
Code, to the governing body of that group in an amount equal to 35311
the lesser of the following: 35312

(1) The following sum: 35313

The school's funding base + {[the sum of the per pupil amounts 35314
calculated for the school for that fiscal year under division (B) 35315
of this section + the sum of the per pupil amounts calculated for 35316
the school for that fiscal year under division (A) of section 35317
3326.39 of the Revised Code + the amount calculated for the school 35318
for that fiscal year under division (B) of section 3326.39 of the 35319
Revised Code) - the school's funding base] X the school's general 35320
phase-in percentage for that fiscal year} 35321

(2) The following sum: 35322

The sum of the per pupil amounts calculated for the school for 35323
that fiscal year under division (B) of this section + the sum of 35324

the per pupil amounts calculated for the school for that fiscal 35325
year under division (A) of section 3326.39 of the Revised Code + 35326
the amount calculated for the school for that fiscal year under 35327
division (B) of section 3326.39 of the Revised Code 35328

(B) For each student enrolled in a science, technology, 35329
engineering, and mathematics school established under this 35330
chapter, on a full-time equivalency basis, the department of 35331
education annually shall ~~deduct from the state education aid of a~~ 35332
~~student's resident school district and, if necessary, from the~~ 35333
~~payment made to the district under sections 321.24 and 323.156 of~~ 35334
~~the Revised Code and pay to the school or, if the student is~~ 35335
~~enrolled in a school that is part of a group of STEM schools under~~ 35336
~~section 3326.031 of the Revised Code, to the governing body of~~ 35337
~~that group the sum~~ calculate all of the following: 35338

~~(A) An opportunity grant in an amount equal to the formula~~ 35339
~~amount;~~ (1) The school's base cost per pupil for that fiscal year, 35340
calculated as follows: 35341

The aggregate base cost calculated for the school for that fiscal 35342
year under section 3326.43 of the Revised Code / the number of 35343
students enrolled in the school for that fiscal year 35344

~~(B) The per pupil amount of targeted assistance funds~~ 35345
~~calculated under division (A) of section 3317.0217 of the Revised~~ 35346
~~Code for the student's resident district, as determined by the~~ 35347
~~department, X 0.25;~~ 35348

~~(C)(2)~~ (2) Additional state aid for special education and related 35349
services provided under Chapter 3323. of the Revised Code as 35350
follows: 35351

~~(1)(a)~~ (a) If the student is a category one special education 35352
student, the ~~amount~~ multiple specified in division (A) of section 35353
3317.013 of the Revised Code X the statewide average base cost per 35354
pupil for that fiscal year; 35355

~~(2)~~(b) If the student is a category two special education student, the ~~amount~~ multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 35356
35357
35358
35359

~~(3)~~(c) If the student is a category three special education student, the ~~amount~~ multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 35360
35361
35362
35363

~~(4)~~(d) If the student is a category four special education student, the ~~amount~~ multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 35364
35365
35366
35367

~~(5)~~(e) If the student is a category five special education student, the ~~amount~~ multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 35368
35369
35370
35371

~~(6)~~(f) If the student is a category six special education student, the ~~amount~~ multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year. 35372
35373
35374
35375

~~(D) If the student is in kindergarten through third grade,~~ 35376
~~\$320;~~ 35377

~~(E)~~(3) If the student is economically disadvantaged, an amount of disadvantaged pupil impact aid equal to the following: 35378
35379
~~\$272~~ 422 X the ~~resident district's~~ school's economically 35380
disadvantaged index 35381

~~(F)~~(4) English learner funds, as follows: 35382

~~(1)~~(a) If the student is a category one English learner, the ~~amount~~ multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for 35383
35384
35385

<u>that fiscal year;</u>	35386
(2)(b) If the student is a category two English learner, the amount <u>multiple</u> specified in division (B) of section 3317.016 of the Revised Code <u>X the statewide average base cost per pupil for that fiscal year;</u>	35387 35388 35389 35390
(3)(c) If the student is a category three English learner, the amount <u>multiple</u> specified in division (C) of section 3317.016 of the Revised Code <u>X the statewide average base cost per pupil for that fiscal year.</u>	35391 35392 35393 35394
(G) Career technical education funds as follows:	35395
(1) If the student is a category one career technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	35396 35397 35398
(2) If the student is a category two career technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	35399 35400 35401
(3) If the student is a category three career technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	35402 35403 35404
(4) If the student is a category four career technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	35405 35406 35407
(5) If the student is a category five career technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	35408 35409 35410
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	35411 35412 35413
Sec. 3326.39. (A) <u>For each student enrolled in a science,</u>	35415

technology, engineering, and mathematics school established under 35416
this chapter, on a full-time equivalency basis, the department of 35417
education shall calculate career-technical education funds as 35418
follows: 35419

(1) If the student is a category one career-technical 35420
education student, the multiple specified in division (A)(1) of 35421
section 3317.014 of the Revised Code X the statewide average 35422
career-technical base cost per pupil for that fiscal year; 35423

(2) If the student is a category two career-technical 35424
education student, the multiple specified in division (A)(2) of 35425
section 3317.014 of the Revised Code X the statewide average 35426
career-technical base cost per pupil for that fiscal year; 35427

(3) If the student is a category three career-technical 35428
education student, the multiple specified in division (A)(3) of 35429
section 3317.014 of the Revised Code X the statewide average 35430
career-technical base cost per pupil for that fiscal year; 35431

(4) If the student is a category four career-technical 35432
education student, the multiple specified in division (A)(4) of 35433
section 3317.014 of the Revised Code X the statewide average 35434
career-technical base cost per pupil for that fiscal year; 35435

(5) If the student is a category five career-technical 35436
education student, the multiple specified in division (A)(5) of 35437
section 3317.014 of the Revised Code X the statewide average 35438
career-technical base cost per pupil for that fiscal year. 35439

Payment of funds calculated under division (A) of this 35440
section is subject to approval under section 3317.161 of the 35441
Revised Code. 35442

(B) Subject to division (I) of section 3317.023 of the 35443
Revised Code, the department of education shall calculate 35444
career-technical associated services funds for each science, 35445

technology, engineering, and mathematics school as follows: 35446

The multiple for career-technical education associated services 35447

specified under division (B) of section 3317.014 of the Revised 35448

Code X the statewide average career-technical base cost per pupil 35449

for that fiscal year X the number of the school's students 35450

enrolled in career-technical education 35451

(C) Subject to division (I) of section 3317.023 of the 35452

Revised Code, the department shall pay career awareness and 35453

exploration funds to each science, technology, engineering, and 35454

mathematics school as follows: 35455

The number of students enrolled in the science, technology, 35456

engineering, and mathematics school X \$2.50, for fiscal year 2020, 35457

\$5, for fiscal year 2021, \$7.50, for fiscal year 2022, or \$10, for 35458

fiscal year 2023 and each fiscal year thereafter 35459

(D) In any fiscal year, a STEM school receiving funds 35460

calculated under division ~~(G)~~ (A) of this section ~~3326.33~~ of the 35461

Revised Code shall spend those funds only for the purposes that 35462

the department designates as approved for career-technical 35463

education expenses. Career-technical ~~educational~~ education 35464

expenses approved by the department shall include only expenses 35465

connected to the delivery of career-technical programming to 35466

career-technical students. The department shall require the school 35467

to report data annually so that the department may monitor the 35468

school's compliance with the requirements regarding the manner in 35469

which funding received under division ~~(G)~~ (A) of section 3326.33 35470

of the Revised Code may be spent. 35471

~~(B)~~ (E) All funds received under division ~~(G)~~ (A) of this 35472

section ~~3326.33~~ of the Revised Code shall be spent in the 35473

following manner: 35474

(1) At least seventy-five per cent of the funds shall be 35475

spent on curriculum development, purchase, and implementation; 35476

instructional resources and supplies; industry-based program 35477

certification; student assessment, credentialing, and placement; 35478
curriculum specific equipment purchases and leases; 35479
career-technical student organization fees and expenses; home and 35480
agency linkages; work-based learning experiences; professional 35481
development; and other costs directly associated with 35482
career-technical education programs including development of new 35483
programs. 35484

(2) Not more than twenty-five per cent of the funds shall be 35485
used for personnel expenditures. 35486

(F) In any fiscal year, a science, technology, engineering, 35487
and mathematics school receiving funds under division (H) of 35488
section 3317.014 of the Revised Code shall spend those funds only 35489
for the following purposes: 35490

(1) Delivery of career awareness programs to students 35491
enrolled in grades kindergarten through twelve; 35492

(2) Provision of a common, consistent curriculum to students 35493
throughout their primary and secondary education; 35494

(3) Assistance to teachers in providing a career development 35495
curriculum to students; 35496

(4) Development of a career development plan for each student 35497
that stays with that student for the duration of the student's 35498
primary and secondary education; 35499

(5) Provision of opportunities for students to engage in 35500
activities, such as career fairs, hands-on experiences, and job 35501
shadowing, across all career pathways at each grade level. 35502

The department may deny payment under division (C) of this 35503
section to any school that the department determines is using 35504
funds paid under division (H) of section 3317.014 of the Revised 35505
Code for other purposes. 35506

Sec. 3326.40. A STEM school shall spend the funds it receives 35507

under division ~~(E)~~ (B)(3) of section 3326.33 of the Revised Code 35508
in accordance with section 3317.25 of the Revised Code. 35509

35510

Sec. 3326.43. (A) As used in this section: 35511

(1) "Average teacher cost" for a fiscal year has the same 35512
meaning as in section 3317.011 of the Revised Code. 35513

(2) "Base cost enrolled ADM" has the same meaning as in 35514
section 3317.02 of the Revised Code. 35515

(3) "Eligible science, technology, engineering, and 35516
mathematics school" means a science, technology, engineering, and 35517
mathematics school that satisfies one of the following: 35518

(a) The school is a member of an organization that regulates 35519
interscholastic athletics. 35520

(b) The school has teams in at least three different sports 35521
that participate in an interscholastic league. 35522

(B) When calculating a science, technology, engineering, and 35523
mathematics school's aggregate base cost under this section, the 35524
department shall use data from fiscal year 2018 for the average 35525
teacher cost. 35526

(C) A science, technology, engineering, and mathematics 35527
school's aggregate base cost for a fiscal year shall be equal to 35528
the following sum: 35529

(The school's teacher base cost for that fiscal year computed 35530
under division (D) of this section) + (the school's student 35531
support base cost for that fiscal year computed under division (E) 35532
of this section) + (the school's leadership and accountability 35533
base cost for that fiscal year computed under division (F) of this 35534
section) + (the school's building leadership and operations base 35535
cost for that fiscal year computed under division (G) of this 35536

<u>section) + (the school's athletic co-curricular activities base</u>	35537
<u>cost for that fiscal year computed under division (H) of this</u>	35538
<u>section, if the school is an eligible community school)</u>	35539
<u>(D) The department of education shall compute a science,</u>	35540
<u>technology, engineering, and mathematics school's teacher base</u>	35541
<u>cost for a fiscal year as follows:</u>	35542
<u>(1) Calculate the school's classroom teacher cost for that</u>	35543
<u>fiscal year as follows:</u>	35544
<u>(a) Determine the full-time equivalency of students enrolled</u>	35545
<u>in the school for that fiscal year that are enrolled in</u>	35546
<u>kindergarten and divide that number by 20;</u>	35547
<u>(b) Determine the full-time equivalency of students enrolled</u>	35548
<u>in the school for that fiscal year that are enrolled in grades one</u>	35549
<u>through three and divide that number by 23;</u>	35550
<u>(c) Determine the full-time equivalency of students enrolled</u>	35551
<u>in the school for that fiscal year that are enrolled in grades</u>	35552
<u>four through eight but are not enrolled in a career-technical</u>	35553
<u>education program or class described under section 3317.014 of the</u>	35554
<u>Revised Code and divide that number by 25;</u>	35555
<u>(d) Determine the full-time equivalency of students enrolled</u>	35556
<u>in the school for that fiscal year that are enrolled in grades</u>	35557
<u>nine through twelve but are not enrolled in a career-technical</u>	35558
<u>education program or class described under section 3317.014 of the</u>	35559
<u>Revised Code and divide that number by 27;</u>	35560
<u>(e) Determine the full-time equivalency of students enrolled</u>	35561
<u>in the school for that fiscal year that are enrolled in a</u>	35562
<u>career-technical education program or class, as reported under</u>	35563
<u>division (B)(2)(d) of section 3314.08 of the Revised Code, and</u>	35564
<u>divide that number by 18;</u>	35565
<u>(f) Compute the sum of the quotients obtained under divisions</u>	35566
<u>(D)(1)(a), (b), (c), (d), and (e) of this section;</u>	35567

<u>(g) Compute the classroom teacher cost by multiplying the</u>	35568
<u>average teacher cost for that fiscal year by the sum computed</u>	35569
<u>under division (D)(1)(f) of this section.</u>	35570
<u>(2) Calculate the school's special teacher cost for that</u>	35571
<u>fiscal year as follows:</u>	35572
<u>(a) Divide the number of students enrolled in the school for</u>	35573
<u>that fiscal year by 150;</u>	35574
<u>(b) Compute the special teacher cost by multiplying the</u>	35575
<u>quotient obtained under division (D)(2)(a) of this section by the</u>	35576
<u>average teacher cost for that fiscal year.</u>	35577
<u>(3) Calculate the school's substitute teacher cost for that</u>	35578
<u>fiscal year in accordance with the following formula:</u>	35579
<u>(a) Compute the substitute teacher daily rate with benefits</u>	35580
<u>by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>	35581
<u>(b) Compute the substitute teacher cost in accordance with</u>	35582
<u>the following formula:</u>	35583
<u>(The sum computed under division (D)(1)(f) of this section + the</u>	35584
<u>quotient obtained under division (D)(2)(a) of this section) X the</u>	35585
<u>amount computed under division (D)(3)(a) of this section X 5</u>	35586
<u>(4) Calculate the school's professional development cost for</u>	35587
<u>that fiscal year in accordance with the following formula:</u>	35588
<u>(The sum computed under division (D)(1)(f) of this section + the</u>	35589
<u>quotient obtained under division (D)(2)(a) of this section) X</u>	35590
<u>[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of</u>	35591
<u>the Revised Code for that fiscal year)/180] X 4</u>	35592
<u>(5) Calculate the school's teacher base cost for that fiscal</u>	35593
<u>year, which equals the sum of divisions (D)(1), (2), (3), and (4)</u>	35594
<u>of this section.</u>	35595
<u>(E) The department shall compute a science, technology,</u>	35596
<u>engineering, and mathematics school's student support base cost</u>	35597

for a fiscal year as follows: 35598

The number of students enrolled in the school for that fiscal year 35599

X [(the sum of the student support base cost calculated for all 35600

city, local, and exempted village school districts in the state 35601

for that fiscal year under division (E) of section 3317.011 of the 35602

Revised Code) / the sum of the base cost enrolled ADMs of all of 35603

the city, local, and exempted village school districts in the 35604

state for that fiscal year] 35605

(F) The department shall compute a science, technology, 35606

engineering, and mathematics school's leadership and 35607

accountability base cost for a fiscal year as follows: 35608

The number of students enrolled in the school for that fiscal year 35609

X (the sum of the leadership and accountability base cost 35610

calculated for all city, local, and exempted village school 35611

districts in the state for that fiscal year under division (F) of 35612

section 3317.011 of the Revised Code / the sum of the base cost 35613

enrolled ADMs of all of the city, local, and exempted village 35614

school districts in the state for that fiscal year) 35615

(G) The department shall compute a science, technology, 35616

engineering, and mathematics school's building leadership and 35617

operations base cost for a fiscal year as follows: 35618

The number of students enrolled in the school for that fiscal year 35619

X (the sum of the building leadership and accountability base cost 35620

calculated for all city, local, and exempted village school 35621

districts in the state for that fiscal year under division (G) of 35622

section 3317.011 of the Revised Code / the sum of the base cost 35623

enrolled ADMs of all of the city, local, and exempted village 35624

school districts in the state for that fiscal year) 35625

(H) If a science, technology, engineering, and mathematics 35626

school is an eligible science, technology, engineering, and 35627

mathematics school, the department shall compute the school's 35628

athletic co-curricular activities base cost for a fiscal year as 35629

<u>follows:</u>	35630
<u>The number of students enrolled in the school for that fiscal year</u>	35631
<u>X (the sum of the athletic co-curricular activities base cost</u>	35632
<u>calculated for all city, local, and exempted village school</u>	35633
<u>districts in the state for that fiscal year under division (H) of</u>	35634
<u>section 3317.011 of the Revised Code / the sum of the base cost</u>	35635
<u>enrolled ADMs of all of the city, local, and exempted village</u>	35636
<u>school districts in the state for that fiscal year)</u>	35637
<u>Sec. 3326.44. In any fiscal year, a STEM school shall spend</u>	35638
<u>the funding it receives under division (B)(4) of section 3326.33</u>	35639
<u>of the Revised Code only for services for English learners.</u>	35640
<u>Sec. 3326.51. (A) As used in this section:</u>	35641
(1) "Resident district" has the same meaning as in section	35642
3326.31 of the Revised Code.	35643
(2) "STEM school sponsoring district" means a municipal,	35644
city, local, <u>or</u> exempted village, or joint vocational school	35645
district that governs and controls a STEM school pursuant to this	35646
section.	35647
(B) Notwithstanding any other provision of this chapter to	35648
the contrary:	35649
(1) If a proposal for a STEM school submitted under section	35650
3326.03 of the Revised Code proposes that the governing body of	35651
the school be the board of education of a municipal, city, local,	35652
<u>or</u> exempted village, or joint vocational school district that is	35653
one of the partners submitting the proposal, and the STEM	35654
committee approves that proposal, that school district board shall	35655
govern and control the STEM school as one of the schools of its	35656
district.	35657
(2) The STEM school sponsoring district shall maintain a	35658
separate accounting for the STEM school as a separate and distinct	35659

operational unit within the district's finances. The auditor of 35660
state, in the course of an annual or biennial audit of the school 35661
district serving as the STEM school sponsoring district, shall 35662
audit that school district for compliance with the financing 35663
requirements of this section. 35664

(3) With respect to students enrolled in a STEM school whose 35665
resident district is the STEM school sponsoring district: 35666

(a) The department of education shall make ~~no deductions~~ 35667
~~under section 3326.33~~ payments to the school in accordance with 35668
sections 3326.31 to 3326.49 of the Revised Code from the STEM 35669
school sponsoring district's state payments. 35670

~~(b) The STEM school sponsoring district shall ensure that it 35671
allocates to the STEM school funds equal to or exceeding the 35672
amount that would be calculated pursuant to division (B) of 35673
section 3313.981 of the Revised Code for the students attending 35674
the school whose resident district is the STEM school sponsoring 35675
district. 35676~~

~~(e)~~ The STEM school sponsoring district is responsible for 35677
providing children with disabilities with a free appropriate 35678
public education under Chapter 3323. of the Revised Code. 35679

~~(d)~~(c) The STEM school sponsoring district shall provide 35680
student transportation in accordance with laws and policies 35681
generally applicable to the district. 35682

(4) With respect to students enrolled in the STEM school 35683
whose resident district is another school district, the department 35684
shall ~~make no payments or deductions under sections 3326.31 to~~ 35685
~~3326.49 of the Revised Code. Instead,~~ consider the students ~~shall~~ 35686
~~be considered~~ as open enrollment students and ~~the department~~ shall 35687
make payments and deductions to the school in accordance with 35688
~~section 3313.981~~ sections 3326.31 to 3326.49 of the Revised Code. 35689
~~The STEM school sponsoring district shall allocate the payments to~~ 35690

~~the STEM school. The STEM school sponsoring district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school.~~

~~(5) Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school.~~

~~(6)~~ A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools.

~~(7)~~(6) Provisions of this chapter requiring a STEM school and its governing body to comply with specified laws as if it were a school district and in the same manner as a board of education shall instead require such compliance by the STEM school sponsoring district and its board of education, respectively, with respect to the STEM school. Where a STEM school or its governing body is required to perform a specific duty or permitted to take a specific action under this chapter, that duty is required to be performed or that action is permitted to be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school.

~~(8)~~(7) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

~~(9)~~(8) The treasurer of the STEM school sponsoring district 35722
or, if the STEM school sponsoring district is a municipal school 35723
district, the chief financial officer of the district, shall have 35724
all of the respective rights, authority, exemptions, and duties 35725
otherwise conferred upon the treasurer or chief financial officer 35726
by the Revised Code. 35727

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 35728
and division (D) of section 3311.52 of the Revised Code, this 35729
section and sections 3327.011, 3327.012, and 3327.02 of the 35730
Revised Code do not apply to any joint vocational or cooperative 35731
education school district. 35732

In all city, local, and exempted village school districts 35733
where resident school pupils in grades kindergarten through eight 35734
live more than two miles from the school for which the state board 35735
of education prescribes minimum standards pursuant to division (D) 35736
of section 3301.07 of the Revised Code and to which they are 35737
assigned by the board of education of the district of residence or 35738
to and from the nonpublic or community school which they attend, 35739
the board of education shall provide transportation for such 35740
pupils to and from that school except as provided in section 35741
3327.02 of the Revised Code. 35742

In all city, local, and exempted village school districts 35743
where pupil transportation is required under a career-technical 35744
plan approved by the state board of education under section 35745
3313.90 of the Revised Code, for any student attending a 35746
career-technical program operated by another school district, 35747
including a joint vocational school district, as prescribed under 35748
that section, the board of education of the student's district of 35749
residence shall provide transportation from the public high school 35750
operated by that district to which the student is assigned to the 35751
career-technical program. 35752

In all city, local, and exempted village school districts, 35753
the board may provide transportation for resident school pupils in 35754
grades nine through twelve to and from the high school to which 35755
they are assigned by the board of education of the district of 35756
residence or to and from the nonpublic or community high school 35757
which they attend for which the state board of education 35758
prescribes minimum standards pursuant to division (D) of section 35759
3301.07 of the Revised Code. 35760

A board of education shall not be required to transport 35761
elementary or high school pupils to and from a nonpublic or 35762
community school where such transportation would require more than 35763
thirty minutes of direct travel time as measured by school bus 35764
from the public school building to which the pupils would be 35765
assigned if attending the public school designated by the district 35766
of residence. 35767

Where it is impractical to transport a pupil by school 35768
conveyance, a board of education may offer payment, in lieu of 35769
providing such transportation in accordance with section 3327.02 35770
of the Revised Code. 35771

A board of education shall provide transportation to students 35772
enrolled in a community school or nonpublic school in accordance 35773
with this section on each day in which that school is open for 35774
operation with students in attendance, regardless of whether the 35775
district's own schools are open for operation with students in 35776
attendance on that day. However, a board of education shall not be 35777
required to transport elementary or high school pupils to and from 35778
a nonpublic or community school on Saturday or Sunday, unless a 35779
board of education and a nonpublic or community school have an 35780
agreement in place to do so before the first day of July of the 35781
school year in which the agreement takes effect. 35782

In all city, local, and exempted village school districts, 35783
the board shall provide transportation for all children who are so 35784

disabled that they are unable to walk to and from the school for 35785
which the state board of education prescribes minimum standards 35786
pursuant to division (D) of section 3301.07 of the Revised Code 35787
and which they attend. In case of dispute whether the child is 35788
able to walk to and from the school, the health commissioner shall 35789
be the judge of such ability. In all city, exempted village, and 35790
local school districts, the board shall provide transportation to 35791
and from school or special education classes for mentally disabled 35792
children in accordance with standards adopted by the state board 35793
of education. 35794

When transportation of pupils is provided the conveyance 35795
shall be run on a time schedule that shall be adopted and put in 35796
force by the board not later than ten days after the beginning of 35797
the school term. The operator of every school bus or motor van 35798
owned and operated by any school district or educational service 35799
center or privately owned and operated under contract with any 35800
school district or service center in this state shall make a good 35801
faith effort to deliver students enrolled in preschool through 35802
twelfth grades to their respective public and nonpublic schools 35803
not sooner than thirty minutes prior to the beginning of school 35804
and to be available to pick them up not later than thirty minutes 35805
after the close of their respective schools each day. 35806

The cost of any transportation service authorized by this 35807
section shall be paid first out of federal funds, if any, 35808
available for the purpose of pupil transportation, and secondly 35809
out of state appropriations, in accordance with regulations 35810
adopted by the state board of education. 35811

No transportation of any pupils shall be provided by any 35812
board of education to or from any school which in the selection of 35813
pupils, faculty members, or employees, practices discrimination 35814
against any person on the grounds of race, color, religion, or 35815
national origin. 35816

Sec. 3327.016. (A) As used in this section: 35817

(1) "Designated educational service center" means an 35818
educational service center with which the city, local, or exempted 35819
village school district has entered into a service agreement under 35820
section 3313.843 of the Revised Code or, if a district has not 35821
entered into a service agreement, the service center with the most 35822
territory in the county in which the district is located. 35823

(2) "Eligible student" means a student entitled to 35824
transportation services from the city, local, or exempted village 35825
school district pursuant to section 3327.01 of the Revised Code. 35826

(B) Except as provided for in division (D) of this section, 35827
each community school established under Chapter 3314. of the 35828
Revised Code or chartered nonpublic school shall establish the 35829
school's start and end times for a particular school year not 35830
later than the first day of June prior to that school year. Each 35831
community or chartered nonpublic school shall provide such start 35832
and end times to each city, local, or exempted village school 35833
district that the school expects will be responsible for providing 35834
transportation services to eligible students enrolled in the 35835
school for that school year. 35836

(C) Except as provided for in division (D) of this section, 35837
each city, local, or exempted village school district that 35838
receives start and end times as prescribed under division (B) of 35839
this section shall use those start and end times to develop a 35840
transportation plan, including transportation routes and 35841
schedules, for eligible students who enrolled in a community or 35842
chartered nonpublic school not later than the first day of June 35843
prior to the school year described in that division. Each district 35844
shall develop and provide such transportation plan to the 35845
community or chartered nonpublic school not later than the first 35846
day of July of that school year. For any eligible student who 35847

enrolls in a community or chartered nonpublic school after the 35848
first day of June prior to that school year, a district shall 35849
develop a transportation plan, including transportation routes and 35850
schedules, for that student within fourteen calendar days of 35851
receiving a request for transportation services from the student's 35852
parent or guardian. 35853

(D) In the event that a city, local, or exempted village 35854
school district has twenty or more community or chartered 35855
nonpublic schools located in the district's territory, the 35856
designated educational service center shall, for the purposes of 35857
coordinating student transportation, convene a meeting with the 35858
district and all community or chartered nonpublic schools in the 35859
district's territory. The district and each community or chartered 35860
nonpublic school shall provide any information the educational 35861
service center determines is necessary for those purposes. Not 35862
later than the fifteenth day of July of the school year for which 35863
the educational service center is coordinating transportation 35864
services, the service center shall approve a transportation plan, 35865
including transportation routes and schedules, for each community 35866
or chartered nonpublic school. 35867

(E) A student transportation plan developed under this 35868
section, including transportation routes and schedules, shall not 35869
result in an eligible student arriving to a community or chartered 35870
nonpublic school more than one hour before that school's start 35871
time, nor shall it result in that student being picked up from 35872
that school more than one hour after the school's end time. 35873

Sec. 3327.017. (A) As used in this section: 35874

(1) "Eligible student" has the same meaning as in section 35875
3327.016 of the Revised Code. 35876

(2) "Mass transit system" has the same meaning as in section 35877
4511.78 of the Revised Code. 35878

(B) No city, local, or exempted village school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it.

(C) A city, local, or exempted village school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer.

Sec. 3327.018. The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or agency of the state, or with an agency of the federal government to operate its buses to assist the agency, group, organization, or political subdivision in the fulfillment of its legitimate activities and in times of emergency. These contracts shall be entered into under the authority of the school district as a political subdivision and shall not be considered commerce. When buses are made available to other agencies, groups, organizations, or political subdivisions under this section, the buses must be operated by individuals holding certificates issued by either the educational service center governing board that has entered into an agreement

with the school district under section 3313.843 or 3313.845 of the 35911
Revised Code or the superintendent of the school district 35912
certifying that the individuals satisfy the requirements of 35913
section 3327.10 of the Revised Code. All state board of education 35914
regulations governing the operation of school buses when 35915
transporting students shall apply when buses are used in 35916
accordance with this section. 35917

Any board of education of a city, local, or exempted village 35918
school district that makes one or more of its vehicles available 35919
under this section shall procure liability and property damage 35920
insurance, as provided in section 3327.09 of the Revised Code, 35921
covering all vehicles used and passengers transported under this 35922
section. The board of education may recover expenses from 35923
contracting entities, not to exceed the costs of operation and 35924
insurance coverage. 35925

Sec. 3327.02. (A) After considering each of the following 35926
factors, the board of education of a city, exempted village, or 35927
local school district, or a community school governing authority 35928
providing transportation pursuant to section 3314.091 of the 35929
Revised Code, may determine that it is impractical to transport a 35930
pupil who is eligible for transportation to and from a school 35931
under section 3327.01 of the Revised Code: 35932

(1) The time and distance required to provide the 35933
transportation; 35934

(2) The number of pupils to be transported; 35935

(3) The cost of providing transportation in terms of 35936
equipment, maintenance, personnel, and administration; 35937

(4) Whether similar or equivalent service is provided to 35938
other pupils eligible for transportation; 35939

(5) Whether and to what extent the additional service 35940

unavoidably disrupts current transportation schedules; 35941

(6) Whether other reimbursable types of transportation are 35942
available. 35943

(B) Based on its consideration of the factors established in 35944
division (A) of this section, the board or governing authority may 35945
pass a resolution declaring the impracticality of transportation. 35946
The resolution shall include each pupil's name and the reason for 35947
impracticality. Such determination shall be made not later than 35948
thirty calendar days prior to the district's or school's first day 35949
of instruction, or in the case of a student who enrolls within 35950
thirty calendar days prior to the first day of instruction or on 35951
or after the first day of instruction, not later than fourteen 35952
calendar days after the student's enrollment. The determination 35953
may be made by the superintendent and formalized at the next 35954
following meeting of the board or governing authority. 35955

The board or governing authority shall report its 35956
determination to the state board of education in a manner 35957
determined by the state board. 35958

In addition, the board or governing authority shall issue a 35959
letter to the pupil's parent, guardian, or other person in charge 35960
of the pupil and to the state board with a detailed description of 35961
the reasons for which such determination was made. 35962

(C) After passing the resolution declaring the impracticality 35963
of transportation, the district board or governing authority shall 35964
offer to provide payment in lieu of transportation by doing the 35965
following: 35966

(1) In accordance with guidelines established by the 35967
department of education, informing the pupil's parent, guardian, 35968
or other person in charge of the pupil of both of the following: 35969

(a) The resolution; 35970

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures. 35971
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(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation. 35975
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(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year. 35980
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(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. 35990
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(b) If the mediation does not resolve the dispute, the state board ~~of education~~ shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable. 35993
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(2) The school district or governing authority shall provide 36001

transportation for the pupil from the time the parent, guardian, 36002
or other person in charge of the pupil requests mediation until 36003
the matter is resolved under division (E)(1)(a) or (b) of this 36004
section. 36005

(F)(1) If the department determines that a school district 36006
board or governing authority has failed or is failing to provide 36007
transportation as required by division (E)(2) of this section or 36008
as ordered by the state board under division (E)(1)(b) of this 36009
section, the department shall order the school district board or 36010
governing authority to pay to the pupil's parent, guardian, or 36011
other person in charge of the pupil, an amount equal to the state 36012
average daily cost of transportation as determined by the state 36013
board ~~of education~~ for the previous year. The school district 36014
board or governing authority shall make payments on a schedule 36015
ordered by the department. 36016

(2) If the department subsequently finds that a school 36017
district board is not in compliance with an order issued under 36018
division (F)(1) of this section and the affected pupils are 36019
enrolled in a nonpublic or community school, the department shall 36020
deduct the amount that the board is required to pay under that 36021
order from any pupil transportation payments the department makes 36022
to the school district board under section 3317.0212 of the 36023
Revised Code or other provisions of law. The department shall use 36024
the moneys so deducted to make payments to the nonpublic or 36025
community school attended by the pupil. The department shall 36026
continue to make the deductions and payments required under this 36027
division until the school district board either complies with the 36028
department's order issued under division (F)(1) of this section or 36029
begins providing transportation. 36030

(G) A nonpublic or community school that receives payments 36031
from the department under division (F)(2) of this section shall do 36032
either of the following: 36033

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

Sec. 3327.021. The department of education shall monitor each city, local, or exempted village school district's compliance with sections 3327.01 and 3327.016 and division (B) of section 3327.017 of the Revised Code. If the department determines a consistent or prolonged period of noncompliance on the part of the school district to provide transportation as required under those sections, the department shall deduct from the district's payment for student transportation under Chapter 3317. of the Revised Code the total daily amount of that payment, as computed by the department, for each day that the district is not in compliance.

This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code.

Sec. 3328.18. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) If a person who is employed by a college-preparatory boarding school established under this chapter or its operator is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 of the Revised Code, if the person holds a license, or an offense listed in division (B)(1) of section 3319.39 of the Revised Code, if the person does not hold a license, the chief administrator of the school in which that person works shall suspend that person from all duties that require the care, custody, or control of a child

during the pendency of the criminal action against the person. If 36064
the person who is arrested, summoned, or indicted for an alleged 36065
violation of an offense listed in division (C) of section 3319.31 36066
or division (B)(1) of section 3319.39 of the Revised Code is the 36067
chief administrator of the school, the board of trustees of the 36068
school shall suspend the chief administrator from all duties that 36069
require the care, custody, or control of a child. 36070

(C) When a person who holds a license is suspended in 36071
accordance with this section, the chief administrator or board 36072
that imposed the suspension promptly shall report the person's 36073
suspension to the department of education. The report shall 36074
include the offense for which the person was arrested, summoned, 36075
or indicted. The superintendent of public instruction, on behalf 36076
of the state board of education, shall inactivate the person's 36077
license. The inactivation shall remain in force during the 36078
pendency of the criminal action against the person. The 36079
inactivation of a license under this division does not constitute 36080
a suspension or revocation of the license by the state board under 36081
section 3319.31 of the Revised Code and the state board and the 36082
state superintendent need not provide the person with an 36083
opportunity for a hearing with respect to the inactivation. If the 36084
state board does not take action against the person's license 36085
under section 3319.31 of the Revised Code, the state 36086
superintendent shall reactivate the license upon conclusion of the 36087
criminal action against the person. 36088

Sec. 3328.24. A college-preparatory boarding school 36089
established under this chapter and its board of trustees shall 36090
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 36091
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 36092
3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 36093
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 36094
3319.073, 3319.077, 3319.078, 3319.0812, 3319.318, 3319.39, 36095

3319.391, 3319.393, 3319.394, 3319.46, 3320.01, 3320.02, 3320.03, 36096
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 36097
if the school were a school district and the school's board of 36098
trustees were a district board of education. 36099

Sec. 3328.32. Each child enrolled in a college-preparatory 36100
boarding school established under this chapter shall be included 36101
in the ~~enrollment~~ formula ADM and total ADM of the district in 36102
which the child is entitled to attend school ~~and in the district's~~ 36103
~~category one through six special education enrollment, as~~ 36104
~~appropriate,~~ as reported under section 3317.03 of the Revised 36105
Code. 36106

~~The department of education shall count that child in the~~ 36107
~~district's formula ADM, total ADM, and, as appropriate, category~~ 36108
~~one through six special education ADM.~~ 36109

Sec. 3328.34. (A) For each child enrolled in a 36111
college-preparatory boarding school, as reported under section 36112
3328.31 of the Revised Code, the department of education shall pay 36113
to the school the sum of the amount ~~deducted from a participating~~ 36114
~~school district's account for that child under section 3328.33 of~~ 36115
~~the Revised Code~~ eighty-five per cent of the operating expenditure 36116
per pupil of the city, local, or exempted village school district 36117
in which the child is entitled to attend school plus the per-pupil 36118
boarding amount specified in division (B) of this section. 36119

As used in this division, a district's "operating expenditure 36120
per pupil" is the total amount of state payments and other 36121
nonfederal revenue spent by the district for operating expenses 36122
during the previous fiscal year, divided by the district's 36123
enrolled ADM, as that term is defined in section 3317.02 of the 36124
Revised Code, for the previous fiscal year. 36125

(B) For the first fiscal year in which a college-preparatory 36126

boarding school may be established under this chapter, the 36127
"per-pupil boarding amount" is twenty-five thousand dollars. For 36128
each fiscal year thereafter, that amount shall be adjusted by the 36129
rate of inflation, as measured by the consumer price index (all 36130
urban consumers, all items) prepared by the bureau of labor 36131
statistics of the United States department of labor, for the 36132
previous twelve-month period. 36133

(C) The state board of education may accept funds from 36134
federal and state noneducation support services programs for the 36135
purpose of funding the per pupil boarding amount prescribed in 36136
division (B) of this section. Notwithstanding any other provision 36137
of the Revised Code, the state board shall coordinate and 36138
streamline any noneducation program requirements in order to 36139
eliminate redundant or conflicting requirements, licensing 36140
provisions, and oversight by government programs or agencies. The 36141
applicable regulatory entities shall, to the maximum extent 36142
possible, use reports and financial audits provided by the auditor 36143
of state and coordinated by the department of education to 36144
eliminate or reduce contract and administrative reviews. 36145
Regulatory entities other than the state board may suggest 36146
reasonable additional items to be included in such reports and 36147
financial audits to meet any requirements of federal law. 36148
Reporting paperwork prepared for the state board shall be shared 36149
with and accepted by other state and local entities to the maximum 36150
extent feasible. 36151

(D)(1) Notwithstanding division (A) of this section, if, in 36152
any fiscal year, a college-preparatory boarding school receives 36153
federal funds for the purpose of supporting the school's 36154
operations, the amount of those federal funds shall be deducted 36155
from the total per-pupil boarding amount for all enrolled students 36156
paid by the department to the school for that fiscal year, unless 36157
the school's board of trustees and the department determine 36158

otherwise in a written agreement. Any portion of the total 36159
per-pupil boarding amount for all enrolled students remaining 36160
after the deduction of the federal funds shall be paid by the 36161
department to the school from state funds appropriated to the 36162
department. 36163

(2) Notwithstanding division (A) of this section, if, in any 36164
fiscal year, the department receives federal funds for the purpose 36165
of supporting the operations of a college-preparatory boarding 36166
school, the department shall use those federal funds, not 36167
including any portion of those funds designated for 36168
administration, to pay the school the total per-pupil boarding 36169
amount for all enrolled students for that fiscal year. Any portion 36170
of the total per-pupil boarding amount for all enrolled students 36171
remaining after the use of the federal funds shall be paid by the 36172
department to the school from state funds appropriated to the 36173
department. 36174

(3) If any federal funds are used for the purpose prescribed 36175
in division (D)(1) or (2) of this section, the department shall 36176
comply with all requirements upon which the acceptance of the 36177
federal funds is conditioned, including any requirements set forth 36178
in the funding application submitted by the school or the 36179
department and, to the extent sufficient funds are appropriated by 36180
the general assembly, any requirements regarding maintenance of 36181
effort in expenditures. 36182

Sec. 3333.049. (A) Not later than July 1, 2016, the 36183
chancellor of higher education shall revise the requirements for 36184
reading endorsement programs offered by institutions of higher 36185
education to align those requirements with the reading 36186
competencies adopted by the state board of education under section 36187
3301.077 of the Revised Code. 36188

(B) Each educator preparation program approved under section 36189

3333.048 of the Revised Code shall require each candidate for an educator license who enters the program in the 2022-2023 academic year, or any academic year thereafter, to receive instruction in computer science and computational thinking, as applied to student learning and classroom instruction, as appropriate for the grade level and subject area of the candidate's prospective educator license.

Sec. 3333.125. (A) As used in this section:

(1) "Eligible student" means an individual who satisfies all of the following:

(a) The individual is an Ohio resident.

(b) The individual is enrolled in a certified commercial driver's license school.

(c) The individual has passed a drug test.

(d) The individual does not have more than three moving violations in two consecutive years. If an individual who the chancellor of higher education has determined is an eligible student has three moving violations in two consecutive years while participating in the program, the individual shall no longer be considered eligible for continued participation in the program.

(e) The individual has not plead guilty to or been convicted of operating a vehicle under the influence of alcohol or a drug of abuse under section 4511.19 of the Revised Code in the past twelve months. If an individual who the chancellor has determined is an eligible student pleads guilty to or is convicted of operating a vehicle under the influence of alcohol or a drug of abuse while participating in the program, the individual shall no longer be considered eligible for continued participation in the program.

(f) The individual meets any additional eligibility criteria established under rules adopted by the chancellor under division

(G) of this section. 36220

(2) "Certified commercial driver's license school" means a 36221
commercial driver's license school certified by the chancellor. 36222
The chancellor shall adopt requirements for approval of 36223
certification and review applications based on those requirements. 36224

No commercial driver's license school that charges employers 36225
recruiting fees shall be certified under this division. 36226

A certified commercial driver's license program offered by a 36227
career college in this state that holds a certificate of 36228
registration from the state board of career colleges and schools 36229
under Chapter 3332. of the Revised Code or at a private 36230
institution exempt from regulation under Chapter 3332. of the 36231
Revised Code as prescribed in section 3333.046 of the Revised Code 36232
shall be considered a certified commercial driver's license 36233
school. 36234

(3) "Cost of attendance" and "expected family contribution" 36235
shall be defined by the chancellor. 36236

(4) "Employed in this state" means either of the following: 36237

(a) An individual is employed as a truck driver by an entity 36238
that has a valid mailing address in the state. 36239

(b) An individual is self-employed as a truck driver using a 36240
valid mailing address in the state. 36241

(5) "Moving violation" has the same meaning as in section 36242
4510.01 of the Revised Code. 36243

(B) The commercial truck driver student aid program is hereby 36244
established. Under the program, the chancellor of higher education 36245
shall pay to an eligible student who commits to reside in and be 36246
employed in this state for a minimum of one year upon completion 36247
of a certified commercial driver's license program a combination 36248
of a grant and a loan in the amounts prescribed by division (D) of 36249

this section to pay for the costs of a certified commercial driver's license program at a certified commercial driver's license school. 36250
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(C) There is hereby established in the state treasury the commercial truck driver student aid fund, which shall consist of funds appropriated by the general assembly for purposes of this section and funds received as repayment for loans awarded under this section. 36253
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The fund shall be used by the chancellor for grants and loans made under this section and for expenses of administering the program. 36258
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(D)(1) The grant amount awarded to an eligible student shall equal one-half of the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the student's enrollment in the certified commercial driver's license school. 36261
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Except as provided in divisions (D)(2) and (E) of this section, the chancellor also shall award a loan to an eligible student in the same amount. 36267
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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants and loans to all eligible students who apply for participation or are participating in the program, the chancellor shall proportionately reduce the amount of each grant and loan to be awarded for the academic year. 36270
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(E) The amount of a grant and a loan awarded to an eligible student under this section shall be in addition to what the eligible student receives under the Ohio college opportunity grant under section 3333.122 of the Revised Code. If an eligible student receives a grant under section 3333.122 of the Revised Code, the 36276
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chancellor shall decrease the amount of the eligible student's 36281
loan under this section by the amount of the grant received under 36282
that section. 36283

(F)(1) Each eligible student who accepts a grant under 36284
division (B) of this section shall sign a promissory note payable 36285
to the state in the event the student fails to do either of the 36286
following: 36287

(a) Satisfy the residency and employment requirement under 36288
that division; 36289

(b) Complete the certified commercial driver's license 36290
program in which the student was enrolled. 36291

(2) The amount payable under the note shall be the amount of 36292
the grant accepted by the student plus interest accrued annually 36293
beginning either one calendar year after the student completes a 36294
certified commercial driver's license program or immediately after 36295
the student disenrolls from, or does not complete, a certified 36296
commercial driver's license program. The chancellor shall 36297
determine the interest rate and period of repayment under the 36298
note. 36299

(3) The note shall stipulate that the obligation to make 36300
payments under the note is canceled once either of the following 36301
applies to the student: 36302

(a) The student completes a certified commercial driver's 36303
license program and meets the residency and employment requirement 36304
under division (B) of this section. 36305

(b) The student dies or becomes totally and permanently 36306
disabled. 36307

(G) The chancellor shall adopt rules, in accordance with 36308
Chapter 119. of the Revised Code, necessary for the operation of 36309
the program, including rules for all of the following: 36310

<u>(1) Terms and conditions for loans under the program;</u>	36311
<u>(2) Requirements for certification of commercial driver's license schools;</u>	36312 36313
<u>(3) Additional eligibility criteria that the chancellor determines necessary for individuals participating in the program.</u>	36314 36315
<u>Sec. 3333.301.</u> (A) <u>The chancellor of higher education, in collaboration with the management council of the Ohio education computer network established under section 3301.0715 of the Revised Code, shall establish a data system to track the free application for federal student aid form completion rate of public and chartered nonpublic school students in the state.</u>	36316 36317 36318 36319 36320 36321
<u>(B) The chancellor and the management council shall develop guidelines and procedures for the operation of the system.</u>	36322 36323
<u>(C) The chancellor may publish and share aggregate data regarding the free application for federal student aid, including completion counts and rates for the state and each school district, chartered nonpublic school, community school established under Chapter 3314., STEM school established under Chapter 3326., and college-preparatory boarding school established under Chapter 3328. of the Revised Code. Such data may be used for the benefit of public and chartered nonpublic schools, to increase public understanding regarding the free application for federal student aid, and to assist in encouraging student completion of the free application for federal student aid form.</u>	36324 36325 36326 36327 36328 36329 36330 36331 36332 36333 36334
<u>Sec. 3333.31.</u> (A) <u>For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term</u>	36335 36336 36337 36338 36339 36340

"resident" for these purposes shall not be equated with the 36341
definition of that term as it is employed elsewhere under the laws 36342
of this state and other states, and shall not carry with it any of 36343
the legal connotations appurtenant thereto. Rather, except as 36344
provided in divisions (B), (C), (D), ~~and (F)~~, and (G) of this 36345
section, for such purposes, the rule promulgated under this 36346
section shall have the objective of excluding from treatment as 36347
residents those who are present in the state primarily for the 36348
purpose of attending a state-supported or state-assisted 36349
institution of higher education, and may prescribe presumptive 36350
rules, rebuttable or conclusive, as to such purpose based upon the 36351
source or sources of support of the student, residence prior to 36352
first enrollment, evidence of intention to remain in the state 36353
after completion of studies, or such other factors as the 36354
chancellor deems relevant. 36355

(B) The rules of the chancellor for determining student 36356
residency shall grant residency status to a veteran and to the 36357
veteran's spouse and any dependent of the veteran, if both of the 36358
following conditions are met: 36359

(1) The veteran either: 36360

(a) Served one or more years on active military duty and was 36361
honorably discharged or received a medical discharge that was 36362
related to the military service; 36363

(b) Was killed while serving on active military duty or has 36364
been declared to be missing in action or a prisoner of war. 36365

(2) If the veteran seeks residency status for tuition 36366
surcharge purposes, the veteran has established domicile in this 36367
state as of the first day of a term of enrollment in an 36368
institution of higher education. If the spouse or a dependent of 36369
the veteran seeks residency status for tuition surcharge purposes, 36370
the veteran and the spouse or dependent seeking residency status 36371

have established domicile in this state as of the first day of a 36372
term of enrollment in an institution of higher education, except 36373
that if the veteran was killed while serving on active military 36374
duty, has been declared to be missing in action or a prisoner of 36375
war, or is deceased after discharge, only the spouse or dependent 36376
seeking residency status shall be required to have established 36377
domicile in accordance with this division. 36378

(C) The rules of the chancellor for determining student 36379
residency shall grant residency status to both of the following: 36380

(1) A veteran who is the recipient of federal veterans' 36381
benefits under the "All-Volunteer Force Educational Assistance 36382
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 36383
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 36384
successor program, if the veteran meets all of the following 36385
criteria: 36386

(a) The veteran served at least ninety days on active duty. 36387

(b) The veteran enrolls in a state institution of higher 36388
education, as defined in section 3345.011 of the Revised Code. 36389

(c) The veteran lives in the state as of the first day of a 36390
term of enrollment in the state institution of higher education. 36391

(2) A person who is the recipient of the federal Marine 36392
Gunnery Sergeant John David Fry scholarship or transferred federal 36393
veterans' benefits under any of the programs described in division 36394
(C)(1) of this section, if the person meets both of the following 36395
criteria: 36396

(a) The person enrolls in a state institution of higher 36397
education. 36398

(b) The person lives in the state as of the first day of a 36399
term of enrollment in the state institution of higher education. 36400

In order for a person using transferred federal veterans' 36401

benefits to qualify under division (C)(2) of this section, the 36402
veteran who transferred the benefits must have served at least 36403
ninety days on active duty or the service member who transferred 36404
the benefits must be on active duty. 36405

(D) The rules of the chancellor for determining student 36406
residency shall grant residency status to a service member who is 36407
on active duty and to the service member's spouse and any 36408
dependent of the service member while the service member is on 36409
active duty. In order to qualify under division (D) of this 36410
section, the rules shall require the student seeking in-state 36411
tuition rates to live in the state as of the first day of a term 36412
of enrollment in the state institution of higher education, but 36413
shall not require the service member or the service member's 36414
spouse or dependent to establish domicile in this state as of the 36415
first day of a term of enrollment in a an institution of higher 36416
education. 36417

(E) The rules of the chancellor for determining student 36418
residency shall not deny residency status to a student who is 36419
either a dependent child of a parent, or the spouse of a person 36420
who, as of the first day of a term of enrollment in an institution 36421
of higher education, has accepted full-time employment and 36422
established domicile in this state for reasons other than gaining 36423
the benefit of favorable tuition rates. 36424

Documentation of full-time employment and domicile shall 36425
include both of the following documents: 36426

(1) A sworn statement from the employer or the employer's 36427
representative on the letterhead of the employer or the employer's 36428
representative certifying that the parent or spouse of the student 36429
is employed full-time in Ohio; 36430

(2) A copy of the lease under which the parent or spouse is 36431
the lessee and occupant of rented residential property in the 36432

state, a copy of the closing statement on residential real 36433
property of which the parent or spouse is the owner and occupant 36434
in this state or, if the parent or spouse is not the lessee or 36435
owner of the residence in which the parent or spouse has 36436
established domicile, a letter from the owner of the residence 36437
certifying that the parent or spouse resides at that residence. 36438

Residency officers may also evaluate, in accordance with the 36439
chancellor's rule, requests for immediate residency status from 36440
dependent students whose parents are not living and whose domicile 36441
follows that of a legal guardian who has accepted full-time 36442
employment and established domicile in the state for reasons other 36443
than gaining the benefit of favorable tuition rates. 36444

(F)(1) The rules of the chancellor for determining student 36445
residency shall grant residency status to a person who enrolls in 36446
an institution of higher education and establishes domicile in 36447
this state, regardless of the student's residence prior to that 36448
enrollment and satisfies either of the following conditions: 36449

(a) The person, while a resident of this state for state 36450
subsidy and tuition surcharge purposes, graduated from a high 36451
school in this state or completed the final year of instruction at 36452
home as authorized under section 3321.04 of the Revised Code. 36453

(b) The person meets all of the following criteria: 36454

(i) The person officially withdrew from a school in this 36455
state while the person was a resident of this state for state 36456
subsidy and tuition surcharge purposes. 36457

(ii) The person has not received a high school diploma or 36458
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 36459
or 3325.08 of the Revised Code or a high school diploma awarded by 36460
a school located in another state or country. 36461

(iii) The person, while a resident of this state for state 36462
subsidy and tuition surcharge purposes, both took a high school 36463

equivalency test and was awarded a certificate of high school
equivalence. 36464
36465

(2) The rules of the chancellor for determining student
residency shall not grant residency status to an alien if the
alien is not also an immigrant or a nonimmigrant. 36466
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(G) The rules of the chancellor for determining student
residency status shall grant residency status to a person to whom
both of the following apply: 36469
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(1) The person, while not a resident of this state for state
subsidy and tuition surcharge purposes, completes a bachelor's
degree program at a state institution of higher education. 36472
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(2) The person, upon completing that bachelor's degree
program, enrolls in an eligible graduate program at that, or
another, state institution in the next semester in which that
graduate program accepts students for admission. 36475
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(H) As used in this section: 36479

(1) "Dependent," "domicile," "institution of higher
education," and "residency officer" have the meanings ascribed in
the chancellor's rules adopted under this section. 36480
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(2) "Alien" means a person who is not a United States citizen
or a United States national. 36483
36484

(3) "Immigrant" means an alien who has been granted the right
by the United States bureau of citizenship and immigration
services to reside permanently in the United States and to work
without restrictions in the United States. 36485
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(4) "Nonimmigrant" means an alien who has been granted the
right by the United States bureau of citizenship and immigration
services to reside temporarily in the United States. 36489
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(5) "Veteran" means any person who has completed service in
the uniformed services, as defined in section 3511.01 of the 36492
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Revised Code.	36494
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	36495 36496
(7) "Certificate of high school equivalence" means either of the following:	36497 36498
(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;	36499 36500 36501
(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code.	36502 36503 36504 36505
<u>(8) "Eligible graduate program" means a graduate degree program that does not grant a professional degree.</u>	36506 36507
Sec. 3333.38. (A) As used in this section:	36508
(1) "Institution of higher education" includes all of the following:	36509 36510
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	36511 36512
(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	36513 36514
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	36515 36516 36517
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	36518 36519 36520
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12,	36521 36522

3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 36523
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 36524
award under the choose Ohio first scholarship program established 36525
under section 3333.61 of the Revised Code, or financed by an award 36526
under the Ohio co-op/internship program established under section 36527
3333.72 of the Revised Code, and any other post-secondary student 36528
financial assistance supported by state funds. 36529

(B) An individual who is convicted of, pleads guilty to, or 36530
is adjudicated a delinquent child for one of the following 36531
violations shall be ineligible to receive any student financial 36532
assistance supported by state funds at an institution of higher 36533
education for two calendar years from the time the individual 36534
applies for assistance of that nature: 36535

(1) A violation of section 2917.02 or 2917.03 of the Revised 36536
Code; 36537

(2) A violation of section 2917.04 of the Revised Code that 36538
is a misdemeanor of the fourth degree; 36539

(3) A violation of section 2917.13 of the Revised Code that 36540
is a misdemeanor of the fourth or first degree and occurs within 36541
the proximate area where four or more others are acting in a 36542
course of conduct in violation of section 2917.11 of the Revised 36543
Code. 36544

(C) If an individual is convicted of, pleads guilty to, or is 36545
adjudicated a delinquent child for committing a violation of 36546
section 2917.02 or 2917.03 of the Revised Code, and if the 36547
individual is enrolled in a state-supported institution of higher 36548
education, the institution in which the individual is enrolled 36549
shall immediately dismiss the individual. No state-supported 36550
institution of higher education shall admit an individual of that 36551
nature for one academic year after the individual applies for 36552
admission to a state-supported institution of higher education. 36553

This division does not limit or affect the ability of a 36554
state-supported institution of higher education to suspend or 36555
otherwise discipline its students. 36556

Sec. 3333.61. The chancellor of higher education shall 36557
establish and administer the ~~Ohio innovation partnership, which~~ 36558
~~shall consist of the~~ choose Ohio first scholarship program ~~and the~~ 36559
~~Ohio research scholars program.~~ Under the ~~programs~~ program, the 36560
chancellor, subject to approval by the controlling board, shall 36561
make awards to state universities or colleges for programs and 36562
initiatives that recruit students and ~~scientists~~ provide 36563
work-based learning opportunities in the fields of science, 36564
including health professions, technology, engineering, and 36565
~~mathematics, medicine, and dentistry~~ to state universities or 36566
colleges, in order to enhance regional educational and economic 36567
strengths and meet the needs of the state's regional economies. 36568
Awards may be granted for programs and initiatives to be 36569
implemented by a state university or college alone or in 36570
collaboration with other state institutions of higher education, 36571
nonpublic Ohio universities and colleges, or other public or 36572
private Ohio entities. If the chancellor makes an award to a 36573
program or initiative that is intended to be implemented by a 36574
state university or college in collaboration with other state 36575
institutions of higher education or nonpublic Ohio universities or 36576
colleges, the chancellor may provide that some portion of the 36577
award be received directly by the collaborating universities or 36578
colleges consistent with all terms of the choose Ohio ~~innovation~~ 36579
~~partnership~~ first scholarship program. 36580

The choose Ohio first scholarship program shall assign a 36581
number of scholarships to state universities and colleges to 36582
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 36583
~~3333.66 of the Revised Code~~ graduate, students in the fields of 36584
science, technology, engineering, and mathematics, ~~medicine, and~~ 36585

~~dentistry~~, or in science, technology, engineering, or mathematics, 36586
~~medical, or dental~~ education. The chancellor also may assign a 36587
number of choose Ohio first scholarships to state universities and 36588
colleges to recruit Ohio residents to enroll in certificate 36589
programs in the fields of science, technology, engineering, and 36590
~~mathematics, medicine, and dentistry~~. Choose Ohio first 36591
scholarships shall be awarded to each participating eligible 36592
student as a grant to the state university or college the student 36593
is attending and shall be reflected on the student's tuition bill. 36594
Choose Ohio first scholarships are student-centered grants from 36595
the state to students to use to attend a university or college and 36596
are not grants from the state to universities or colleges. 36597

Notwithstanding any other provision of this section or 36598
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 36599
four-year Ohio institution of higher education may submit a 36600
proposal for choose Ohio first scholarships ~~or Ohio research~~ 36601
~~scholars grants~~. If the chancellor awards a nonpublic institution 36602
scholarships ~~or grants~~, the nonpublic institution shall comply 36603
with all requirements of this section, sections 3333.62 to 3333.69 36604
of the Revised Code, and the rules adopted under this section that 36605
apply to state universities or colleges awarded choose Ohio first 36606
scholarships ~~or Ohio research scholars grants~~. 36607

~~The Ohio research scholars program shall award grants to use 36608
in recruiting scientists to the faculties of state universities or 36609
colleges.~~ 36610

The chancellor shall adopt rules in accordance with Chapter 36611
119. of the Revised Code to administer the ~~programs~~ program. 36612

Sec. 3333.613. There is hereby created in the state treasury 36613
the choose Ohio first scholarship reserve fund to consist of such 36614
amounts designated for the purposes of the fund by the general 36615
assembly, the federal government, or other sources. As soon as 36616

possible following the end of each fiscal year, the chancellor of 36617
higher education shall certify to the director of budget and 36618
management the unencumbered balance of the general revenue fund 36619
appropriations made in the immediately preceding fiscal year for 36620
purposes of the choose Ohio first scholarship program created in 36621
section 3333.61 of the Revised Code. Upon receipt of the 36622
certification, the director of budget and management may transfer 36623
an amount not exceeding the certified amount from the general 36624
revenue fund to the choose Ohio first scholarship reserve fund. 36625
Moneys in the choose Ohio first scholarship reserve fund shall be 36626
used to pay scholarship obligations in excess of the general 36627
revenue fund appropriations made for that purpose. 36628

The director of budget and management may transfer any 36629
unencumbered balance from the choose Ohio first scholarship 36630
reserve fund to the general revenue fund. 36631

If it is determined that general revenue fund appropriations 36632
are insufficient to meet the obligations for the choose Ohio first 36633
scholarship in a fiscal year, the director of budget and 36634
management may transfer funds from the choose Ohio first 36635
scholarship reserve fund to the general revenue fund in order to 36636
meet those obligations. The amount transferred is hereby 36637
appropriated. If the funds transferred from the choose Ohio first 36638
scholarship reserve fund are not needed, the director of budget 36639
and management may transfer the unexpended balance from the 36640
general revenue fund back to the choose Ohio first scholarship 36641
reserve fund. 36642

Sec. 3333.615. The primary care medical student, primary care 36643
nursing student, and primary care dental student components of the 36644
choose Ohio first scholarship program created under former 36645
sections 3333.611, 3333.612, and 3333.614 of the Revised Code as 36646
those sections existed prior to the effective date of this section 36647

are abolished on the effective date of this section. 36648

Sec. 3333.62. The chancellor of higher education shall 36649
establish a competitive process for making awards under the choose 36650
Ohio first scholarship program ~~and the Ohio research scholars~~ 36651
~~program.~~ The chancellor, on completion of that process, shall make 36652
a recommendation to the controlling board asking for approval of 36653
each award selected by the chancellor. 36654

Any state university or college may apply for ~~one or more~~ 36655
~~awards~~ an award under ~~one or both programs~~ the program. The state 36656
university or college shall submit a proposal and other 36657
documentation required by the chancellor, in the form and manner 36658
prescribed by the chancellor, ~~for each award it seeks.~~ A proposal 36659
may propose an initiative to be implemented solely by the state 36660
university or college or in collaboration with other state 36661
institutions of higher education, nonpublic Ohio universities or 36662
colleges, or other public or nonpublic Ohio entities. ~~A single~~ 36663
~~proposal may seek an award under one or both programs.~~ 36664

The chancellor shall determine which proposals will receive 36665
awards each fiscal year, and the amount of each award, on the 36666
basis of the merit of each proposal, which the chancellor, subject 36667
to approval by the controlling board, shall determine based on the 36668
extent to which a proposal recruits underrepresented populations 36669
in the fields of science, technology, engineering, and mathematics 36670
or science, technology, engineering, or mathematics education, 36671
along with one or more of the following criteria: 36672

(A) The quality of the program that is the subject of the 36673
proposal and the extent to which additional resources will enhance 36674
its quality; 36675

(B) The extent to which the proposal is integrated with the 36676
strengths of the regional economy; 36677

(C) The extent to which the proposal is integrated with	36678
centers of research excellence within the private sector;	36679
(D) The amount of other institutional, public, or private	36680
resources, whether monetary or nonmonetary, that the proposal	36681
pledges to leverage;	36682
(E) The extent to which the proposal is collaborative with	36683
other public or nonpublic Ohio institutions of higher education;	36684
(F) The extent to which the proposal is integrated with the	36685
university's or college's mission and does not displace existing	36686
resources already committed to the mission;	36687
<u>(D) The extent to which the university or college has</u>	36688
<u>committed to, or demonstrated, an increase in total graduates</u>	36689
<u>within the disciplines of science, technology, engineering, and</u>	36690
<u>mathematics or science, technology, engineering, or mathematics</u>	36691
<u>education, consistent with a goal to increase the total number of</u>	36692
<u>Ohio residents in the workforce who are highly qualified in these</u>	36693
<u>disciplines;</u>	36694
(G) The extent to which the proposal facilitates a more	36695
efficient utilization of existing faculty and programs;	36696
(H)(E) The extent to which the proposal meets a statewide	36697
educational need;	36698
(I) The demonstrated productivity or future capacity of the	36699
students or scientists to be recruited;	36700
(J) The extent to which the proposal will create additional	36701
capacity in educational or economic areas of need;	36702
(K) The extent to which the proposal will encourage students	36703
who received degrees in the fields of science, technology,	36704
engineering, mathematics, or medicine from two-year institutions	36705
to transfer to state universities or colleges to pursue	36706
baccalaureate degrees in science, technology, engineering,	36707

mathematics, or medicine; 36708

~~(L) The extent to which the proposal encourages students~~ 36709
~~enrolled in state universities to transfer into science,~~ 36710
~~technology, engineering, mathematics, or medicine programs;~~ 36711

~~(M)(F) The extent to which the proposal facilitates the~~ 36712
~~completion of an associate or a baccalaureate degree in a~~ 36713
~~cost-effective manner, for example, by facilitating students'~~ 36714
~~completing two years at a two-year institution and two years at a~~ 36715
~~state university or college;~~ 36716

~~(N) The extent to which the proposal allows attendance at a~~ 36717
~~state university or college of students who otherwise could not~~ 36718
~~afford to attend;~~ 36719

~~(O) The extent to which other institutional, public, or~~ 36720
~~private resources pledged to the proposal will be deployed to~~ 36721
~~assist in sustaining students' scholarships over their academic~~ 36722
~~careers;~~ 36723

~~(P) The extent to which the proposal increases the likelihood~~ 36724
~~that students will successfully complete their degree programs in~~ 36725
~~science, technology, engineering, mathematics, or medicine or in~~ 36726
~~science, technology, engineering, mathematics, or medical~~ 36727
~~education;~~ 36728

~~(Q) The extent to which the proposal ensures that a student~~ 36729
~~who is awarded a scholarship is appropriately qualified and~~ 36730
~~prepared to successfully complete a degree program in science,~~ 36731
~~technology, engineering, mathematics, or medicine or in science,~~ 36732
~~technology, engineering, mathematics, or medical education;~~ 36733

~~(R) The extent to which the proposal will increase the number~~ 36734
~~of women participating in the choose Ohio first scholarship~~ 36735
~~program;~~ 36736

~~(S)(G) The extent to which the proposal encourages students~~ 36737

to complete a certificate program at a state university or 36738
college. 36739

Sec. 3333.63. The chancellor of higher education shall 36740
conduct at least one public meeting annually, prior to deciding 36741
awards under the choose ~~Ohio innovation partnership~~ first 36742
scholarship program. At the meeting, an employee of the chancellor 36743
shall summarize the proposals submitted for consideration, and 36744
each state university or college that has a proposal pending shall 36745
have the opportunity to review the summary of their proposal 36746
prepared by the chancellor's staff and answer questions or respond 36747
to concerns about the proposal raised by the chancellor's staff. 36748

Sec. 3333.64. The chancellor of higher education shall 36749
endeavor to make awards under the choose ~~Ohio research scholars program~~ first ~~scholarship~~ 36750
~~program~~ and the ~~Ohio research scholars program~~ such that the 36751
aggregate, statewide amount of other institutional, public, and 36752
private money pledged to the ~~proposals~~ program in each fiscal year 36753
equals at least one hundred per cent of the aggregate amount of 36754
the money awarded under ~~both programs~~ the program that year. ~~The~~ 36755
~~chancellor shall endeavor to make awards under the choose Ohio~~ 36756
~~first scholarship program in such a way that at least fifty per~~ 36757
~~cent of the students receiving the scholarships are involved in a~~ 36758
~~co-op or internship program in a private industry or a university~~ 36759
~~laboratory. All students receiving a choose Ohio first scholarship~~ 36760
shall be involved in work-based learning through a co-op, 36761
internship, experience in a university, college, or private 36762
laboratory, or other work-based learning experience. State 36763
universities or colleges or nonpublic four-year Ohio institutions 36764
of higher education may appeal to the chancellor for a waiver of 36765
this requirement in cases where exceptional circumstances make one 36766
hundred per cent placement in a work-based learning environment 36767
impractical or significantly unachievable. The value of 36768

institutional, public, or private industry co-ops and internships 36769
shall count toward the statewide aggregate amount of other 36770
institutional, public, or private money specified in this 36771
paragraph. 36772

The chancellor also shall endeavor to ~~distribute awards in~~ 36773
~~such a way that all regions of the state benefit from the economic~~ 36774
~~development impact of the programs and shall guarantee~~ provide 36775
that students from all regions of the state are able to 36776
participate in the scholarship program. 36777

Sec. 3333.65. The chancellor of higher education shall 36778
require each state university or college, and any nonpublic Ohio 36779
university or college with which the state university or college 36780
is collaborating, that the controlling board approves to receive 36781
an award under the choose Ohio ~~innovation partnership~~ first 36782
scholarship program to enter into an agreement governing the use 36783
of ~~the~~ an award under the program. The agreement shall contain 36784
terms the chancellor determines to be necessary, ~~which shall~~ 36785
~~include performance measures, reporting requirements, and an~~ 36786
~~obligation to fulfill pledges of other institutional, public, or~~ 36787
~~nonpublic resources for the proposal.~~ 36788

The chancellor may require a state university or college or a 36789
nonpublic Ohio university or college that violates the terms of 36790
the agreement to repay the award plus interest at the rate 36791
required by section 5703.47 of the Revised Code ~~to the chancellor,~~ 36792
~~except that the chancellor shall not hold a state or nonpublic~~ 36793
~~university or college responsible for a repayment due to a student~~ 36794
~~obligation under section 3333.611 of the Revised Code, until the~~ 36795
~~state or nonpublic university or college is able to obtain~~ 36796
~~repayment from the student or if the state or nonpublic university~~ 36797
~~or college has certified collection of the repayment to the~~ 36798
~~attorney general and has sent a copy of the certification to the~~ 36799

chancellor. 36800

~~If the chancellor makes an award to a program or initiative 36801
that is intended to be implemented by a state university or 36802
college in collaboration with other state institutions of higher 36803
education or nonpublic Ohio universities or colleges, the 36804
chancellor may enter into an agreement with the collaborating 36805
universities or colleges that permits awards to be received 36806
directly by the collaborating universities or colleges consistent 36807
with the terms of the program or initiative. In that case, the 36808
chancellor shall incorporate into the agreement terms consistent 36809
with the requirements of this section. 36810~~

Sec. 3333.66. (A)(1) Except as provided in ~~divisions~~ division 36811
(A)(2), ~~(3), and (4)~~ of this section, in each academic year, no 36812
student who receives a choose Ohio first scholarship shall receive 36813
less than one thousand five hundred dollars or more than one-half 36814
of the highest in-state undergraduate instructional and general 36815
fees charged by all state universities. For this purpose, if Miami 36816
university is implementing the pilot tuition restructuring plan 36817
originally recognized in Am. Sub. H.B. 95 of the 125th general 36818
assembly, that university's instructional and general fees shall 36819
be considered to be the average full-time in-state undergraduate 36820
instructional and general fee amount after taking into account the 36821
Ohio resident and Ohio leader scholarships and any other credit 36822
provided to all Ohio residents. 36823

~~(2) The chancellor of higher education may authorize a state 36824
university or college or a nonpublic Ohio institution of higher 36825
education to award a choose Ohio first scholarship in an amount 36826
greater than one half of the highest in-state undergraduate 36827
instructional and general fees charged by all state universities 36828
to either of the following: 36829~~

~~(a) Any undergraduate student who qualifies for a scholarship 36830~~

~~and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;~~ 36831
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~~(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.~~ 36833
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~~(3) The chancellor may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in the amount of not less than five hundred dollars but not more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to a student enrolled in a certificate program designated as an eligible program by the chancellor.~~ 36836
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~~(4)(3) A student receiving multiple awards under division (A) of this section may not exceed the maximum permitted ~~provided that~~ each award is within its permitted amount for each individual award.~~ 36844
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~~(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:~~ 36848
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~~(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least~~ 36854
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~~one of the proposals preference for an award.~~ 36862

~~(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard to staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.~~ 36863
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~~"Hard to staff" shall be as defined by the department of education.~~ 36875
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~~(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.~~ 36877
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Sec. 3333.68. When making an award under the choose Ohio ~~innovation partnership~~ first scholarship program, the chancellor of higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or fiscal biennium. A proposal's eligibility for future awards remains conditional on all of the following: 36880
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(A) Future appropriations of the general assembly; 36887

(B) The university's or college's adherence to the agreement entered into under section 3333.65 of the Revised Code, including its fulfillment of pledges of other institutional, public, or nonpublic resources; 36888
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(C) ~~With respect to the choose Ohio first scholarship program,~~ a demonstration that the students receiving the scholarship are satisfied with the state universities or colleges selected by the chancellor to offer the scholarships.

The chancellor and the controlling board shall not commit to awarding any proposal for more than five fiscal years at a time. However, when a commitment for future awards expires, ~~a state university or college may reapply~~ the chancellor and the controlling board may grant a one-time extension of the award for a period not to exceed four years.

Sec. 3333.69. The chancellor of higher education shall monitor each initiative for which an award is granted under the ~~choose Ohio innovation partnership~~ first scholarship program to ensure the following:

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to the ~~programs'~~ program's goals of enhancing regional educational and economic strengths and meeting regional economic needs.

Sec. 3333.79. (A) As used in this section, "minority" has the same meaning as in section 184.17 of the Revised Code. The term also includes an individual who is economically disadvantaged.

(B) The chancellor of higher education shall conduct outreach activities in Ohio that seek to include minorities in the Ohio co-op/internship program established under section 3333.72 of the Revised Code. The outreach activities shall include the following,

when appropriate:	36922
(1) Identifying and partnering with historically black colleges and universities;	36923 36924
(2) Working with all institutions of higher education in the state to support minority faculty and students involved in cooperative and intern programs;	36925 36926 36927
(3) Developing a plan to contact by telephone minorities and other economically disadvantaged individuals to notify them of opportunities to participate in the co-op/internship program;	36928 36929 36930
(4) Identifying minority professional and trade associations and economic development assistance organizations and notifying them of the co-op/internship program;	36931 36932 36933
(5) Partnering with regional technology councils to foster local efforts to support minority participation in the co-op/internship program.	36934 36935 36936
(C) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section 123.152 <u>122.922</u> of the Revised Code.	36937 36938 36939
Sec. 3333.80. (A) As used in this section and in section 3333.801 of the Revised Code:	36940 36941
(1) "At-risk student" means a primary or secondary school student living in the state who is at least thirteen years of age who meets one of the following conditions:	36942 36943 36944
(a) The student is eligible for a free or reduced price lunch;	36945 36946
(b) The student would have an expected family contribution of zero dollars, as determined by the free application for federal student aid, in grade twelve;	36947 36948 36949
(c) The student has either:	36950

(i) Been impacted by family opioid addiction; or 36951

(ii) Entered into recovery for opioid addiction. 36952

The chancellor shall define terms in division (A)(1)(c) of 36953
this section as necessary to implement this section. 36954

(2) "College credit plus program" means the college credit 36955
plus program established under Chapter 3365. of the Revised Code. 36956

(3) "Expected family contribution" has the same meaning as in 36957
the rules adopted by the chancellor under section 3333.122 of the 36958
Revised Code. 36959

(4) "Eligible state institution of higher education" includes 36960
a community college established under Chapter 3354. of the Revised 36961
Code, a technical college established under Chapter 3357. of the 36962
Revised Code, a state community college established under Chapter 36963
3358. of the Revised Code, and a state university as defined in 36964
section 3345.011 of the Revised Code. 36965

(5) "School year" has the same meaning as in section 3313.62 36966
of the Revised Code. 36967

(6) "Eligible for a free or reduced price lunch" means the 36968
student is eligible for a free or reduced price lunch under the 36969
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 36970
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 36971
42 U.S.C. 1771, as amended. 36972

(B) The OhioCorps ~~pilot~~ program is hereby created to provide 36973
at-risk students with guidance to a pathway to higher education. 36974
The ~~pilot~~ program shall consist of mentorship programs established 36975
and administered by eligible state institutions of higher 36976
education pursuant to rules adopted under division (C) of this 36977
section and scholarships under section 3333.801 of the Revised 36978
Code. ~~The mentorship programs shall operate in the 2019-2020 and~~ 36979
~~2020-2021 school years. Scholarships shall be available only for~~ 36980

~~those students who participate in a mentorship program for both~~ 36981
~~school years in which it is available.~~ 36982

~~(C) Not later than ninety days after the effective date of~~ 36983
~~this section, the~~ The chancellor shall adopt rules to administer 36984
the OhioCorps mentorship program. The rules shall include all of 36985
the following: 36986

(1) The requirements for an OhioCorps mentorship program 36987
proposed to be established by an eligible state institution of 36988
higher education, which shall include all of the following: 36989

(a) A service-learning component for students enrolled in an 36990
eligible state institution of higher education that allows them to 36991
mentor at-risk middle and high school students, and to help the 36992
at-risk students' parents on any of the following topics: 36993

(i) Preparing for college and career planning; 36994

(ii) Tutoring in reading, writing, and mathematics; 36995

(iii) Opioid and drug education programs. 36996

The eligible state institution shall include a plan for 36997
training enrolled students to provide such mentoring, including 36998
seminars on financial literacy, opioid addiction education best 36999
practices, career guidance, and tutor skills. 37000

An eligible state institution may include other elements of 37001
community service within service-learning beyond mentoring 37002
opportunities. 37003

(b) A stipend to be paid to student mentors enrolled in an 37004
eligible state institution of higher education in an amount to be 37005
determined by each institution; 37006

(c) A plan for how eligible state institutions will partner 37007
with local providers and existing programs, such as Americorps and 37008
the Ohio commission on service and volunteerism created in section 37009
121.40 of the Revised Code, to create training, programs, and 37010

service-learning opportunities. Local partnerships under division 37011
(C)(1)(c) of this section also shall include a community service 37012
training program to be offered by local partners for at-risk 37013
students for purposes of scholarship eligibility under division 37014
(A)(6) of section 3333.801 of the Revised Code. 37015

(d) Criminal records checks and adherence to the recommended 37016
best practices adopted by the Ohio commission on service and 37017
volunteerism regarding volunteers with unsupervised access to 37018
children under section 121.401 of the Revised Code. A program 37019
shall not require an individual to comply with a criminal records 37020
check or any screening procedures under division (C)(1)(d) of this 37021
section if the individual has already undergone a criminal records 37022
check as part of the individual's current participation in an 37023
Americorps program or an existing program connected to the Ohio 37024
commission on service and volunteerism. 37025

An eligible state institution of higher education also may 37026
include in an OhioCorps mentorship program summer learning camps 37027
or programs at the eligible institutions that provide higher 37028
education experiences and college credit plus program 37029
opportunities offered in the summer specifically for at-risk 37030
students. These summer learning camps or programs may be offered 37031
in any region of the state. 37032

(2) An application process under which an eligible state 37033
institution of higher education may apply to establish an 37034
OhioCorps mentorship program under this section, including 37035
application deadlines; 37036

(3) A method to determine the amount of funding the 37037
chancellor will award to each eligible state institution of higher 37038
education approved to establish an OhioCorps mentorship program. 37039

(D) The chancellor shall submit a report to the general 37040
assembly, in accordance with section 101.68 of the Revised Code, 37041

at the end of the ~~2020-2021~~ 2021-2022 school year regarding the 37042
implementation and outcomes of the OhioCorps ~~pilot~~ program. 37043

Sec. 3333.801. (A) The OhioCorps scholarship is hereby 37044
established for at-risk students who meet the requirements of this 37045
section. The chancellor of higher education shall award an 37046
OhioCorps scholarship to each at-risk student who does all of the 37047
following: 37048

(1) Fully participates in the mentorship program administered 37049
by an eligible state institution of higher education under section 37050
3333.80 of the Revised Code for as long as such program is in 37051
existence or until the student completes high school; 37052

(2) Enrolls in an eligible state institution of higher 37053
education; 37054

(3) Meets either of the following conditions: 37055

(a) Demonstrates that the student's expected family 37056
contribution would equal zero dollars, as determined by the free 37057
application for federal student aid, in grade twelve; 37058

(b) Receives a letter which indicates that the student is in 37059
recovery for opioid addiction or impacted by family opioid 37060
addiction. The letter shall be written by a teacher, 37061
administrator, judge, case worker, police officer, ~~healthcare~~ 37062
health care professional, cleric, employee of a county department 37063
of job and family services who is a professional and who works 37064
with children and families, or another individual from a public 37065
entity approved by the chancellor. The at-risk student shall 37066
submit the letter to the student's school district or school. A 37067
school district or school in possession of the student's letter 37068
shall consider the letter to be subject to section 3319.321 of the 37069
Revised Code and shall make the letter available to the chancellor 37070
at the request of the chancellor in accordance with that section. 37071

(4) Achieves either of the following:	37072
(a) A score that meets remediation-free standards <u>in</u>	37073
<u>mathematics, reading, or English</u> adopted under division (F) of	37074
section 3345.061 of the Revised Code on a nationally standardized	37075
assessment that measures college and career readiness and is used	37076
for college admission;	37077
(b) A high school cumulative grade point average of 3.0 or	37078
higher on a 4.0 scale.	37079
(5) Completes a college-preparatory curriculum in high	37080
school, as determined by the chancellor;	37081
(6) Completes a community service training program offered by	37082
a local partner under division (C)(1)(c) of section 3333.80 of the	37083
Revised Code, and completes at least forty hours of community	37084
service for each school year the student is enrolled in high	37085
school;	37086
(7) Participates in the college credit plus program, and	37087
under that program completes and receives a passing grade in at	37088
least one course each of English language arts and mathematics.	37089
(B) The OhioCorps scholarship shall be a one-time award of	37090
one thousand dollars. However, the chancellor may adjust the	37091
amount of each scholarship awarded under this section based on	37092
availability of funds appropriated by the general assembly and	37093
remaining in the OhioCorps fund created in section 3333.802 of the	37094
Revised Code.	37095
(C) The scholarship shall be paid to the eligible state	37096
institution of higher education in which each recipient enrolls	37097
and shall be credited by the institution to the recipient's	37098
account.	37099
Sec. 3333.802. The OhioCorps fund is hereby created in the	37100
state treasury, to consist of such amounts designated for the	37101

purposes of the fund by the general assembly, the federal 37102
government, or other sources. The fund shall be used for the 37103
following purposes: 37104

(A) To assist eligible state institutions of higher education 37105
to establish and administer an OhioCorps mentorship program under 37106
section 3333.80 of the Revised Code, including providing stipends 37107
for participating student mentors; 37108

(B) Funding scholarships awarded under section 3333.801 of 37109
the Revised Code. 37110

The fund may also be used by the chancellor of higher 37111
education to implement and administer the OhioCorps ~~pilet~~ program. 37112

Sec. 3345.063. (A) As used in this section, "state 37113
university" has the same meaning as in section 3345.011 of the 37114
Revised Code. 37115

(B) Beginning with the 2022-2023 academic year, each state 37116
university shall recognize the successful completion of a course 37117
in advanced computer science in high school, as described in the 37118
standards adopted pursuant to division (A)(4) of section 3301.079 37119
of the Revised Code, as a unit for admission to the university, as 37120
follows: 37121

(1) The state university shall recognize one unit of advanced 37122
computer science as one unit toward meeting a general mathematics 37123
requirement, as determined by the university, if the student used 37124
that advanced computer science unit to meet the mathematics 37125
curriculum requirement under division (C)(3) of section 3313.603 37126
of the Revised Code. 37127

(2) The state university shall recognize one unit of advanced 37128
computer science as one unit toward meeting a general science 37129
requirement, as determined by the university, if the student used 37130
that advanced computer science unit to meet the science curriculum 37131

requirement under division (C)(5) of section 3313.603 of the 37132
Revised Code. 37133

(3) The state university shall recognize one unit of advanced 37134
computer science as one unit toward meeting a general elective 37135
requirement, as determined by the university, if the student used 37136
the advanced computer science unit to meet the curriculum 37137
requirement under division (C)(8) of section 3313.603 of the 37138
Revised Code. 37139

(4) The state university shall recognize one unit of computer 37140
coding as one unit toward meeting a general foreign language 37141
requirement, as determined by the university, if the student used 37142
the computer coding unit to meet a school district's or school's 37143
foreign language curriculum requirement as described in division 37144
(E) of section 3313.603 of the Revised Code. 37145

(C) Each state university shall post a description of the 37146
university's recognition of advanced computer science as a core 37147
unit for admission to the university, as described in division (B) 37148
of this section, in a prominent location on the university's web 37149
site. 37150

Sec. 3345.32. (A) As used in this section: 37151

(1) "State university or college" means the institutions 37152
described in section 3345.27 of the Revised Code and the northeast 37153
Ohio medical university. 37154

(2) "Resident" has the meaning specified by rule of the 37155
chancellor of higher education. 37156

(3) "Statement of selective service status" means a statement 37157
certifying one of the following: 37158

(a) That the individual filing the statement has registered 37159
with the selective service system in accordance with the "Military 37160
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 37161

amended; 37162

(b) That the individual filing the statement is not required 37163
to register with the selective service for one of the following 37164
reasons: 37165

(i) The individual is under eighteen or over twenty-six years 37166
of age. 37167

(ii) The individual is on active duty with the armed forces 37168
of the United States other than for training in a reserve or 37169
national guard unit. 37170

(iii) The individual is a nonimmigrant alien lawfully in the 37171
United States in accordance with section 101 (a)(15) of the 37172
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 37173

(iv) The individual is not a citizen of the United States and 37174
is a permanent resident of the Trust Territory of the Pacific 37175
Islands or the Northern Mariana Islands. 37176

(4) "Institution of higher education" means any eligible 37177
institution approved by the United States department of education 37178
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 37179
amended, or any institution whose students are eligible for 37180
financial assistance under any of the programs described by 37181
division (E) of this section. 37182

(B) The chancellor shall, by rule, specify the form of 37183
statements of selective service status to be filed in compliance 37184
with divisions (C) to (E) of this section. Each statement of 37185
selective service status shall contain a section wherein a male 37186
student born after December 31, 1959, certifies that the student 37187
has registered with the selective service system in accordance 37188
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 37189
App. 453, as amended. For those students not required to register 37190
with the selective service, as specified in divisions (A)(2)(b)(i) 37191
to (iv) of this section, a section shall be provided on the 37192

statement of selective service status for the certification of 37193
nonregistration and for an explanation of the reason for the 37194
exemption. The chancellor may require that such statements be 37195
accompanied by documentation specified by rule of the chancellor. 37196

(C) A state university or college that enrolls in any course, 37197
class, or program a male student born after December 31, 1959, who 37198
has not filed a statement of selective service status with the 37199
university or college shall, regardless of the student's 37200
residency, charge the student any tuition surcharge charged 37201
students who are not residents of this state. 37202

(D) No male born after December 31, 1959, shall be eligible 37203
to receive any loan, grant, scholarship, or other financial 37204
assistance for educational expenses granted under section 3315.33, 37205
3333.12, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 37206
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 37207
award under the choose Ohio first scholarship program established 37208
under section 3333.61 of the Revised Code, or financed by an award 37209
under the Ohio co-op/internship program established under section 37210
3333.72 of the Revised Code, unless that person has filed a 37211
statement of selective service status with that person's 37212
institution of higher education. 37213

(E) If an institution of higher education receives a 37214
statement from an individual certifying that the individual has 37215
registered with the selective service system in accordance with 37216
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 37217
453, as amended, or that the individual is exempt from 37218
registration for a reason other than that the individual is under 37219
eighteen years of age, the institution shall not require the 37220
individual to file any further statements. If it receives a 37221
statement certifying that the individual is not required to 37222
register because the individual is under eighteen years of age, 37223
the institution shall require the individual to file a new 37224

statement of selective service status each time the individual 37225
seeks to enroll for a new academic term or makes application for a 37226
new loan or loan guarantee or for any form of financial assistance 37227
for educational expenses, until it receives a statement certifying 37228
that the individual has registered with the selective service 37229
system or is exempt from registration for a reason other than that 37230
the individual is under eighteen years of age. 37231

Sec. 3345.82. (A) As used in this section, "electronic 37232
communication" means live, audio-enabled communication that 37233
permits the trustees attending a meeting, the trustees present in 37234
person at the place where the meeting is conducted, and all 37235
members of the public present in person at the place where the 37236
meeting is conducted to simultaneously communicate with each other 37237
during the meeting. 37238

(B) Notwithstanding division (C) of section 121.22 and 37239
sections 3335.06 and 3343.04 of the Revised Code, the board of 37240
trustees of a state institution of higher education, as defined in 37241
section 3345.011 of the Revised Code, may establish a policy that 37242
allows trustees to attend a meeting of the board of trustees via 37243
means of electronic communication. The policy shall specify at 37244
least all of the following: 37245

(1) The number of regular meetings at which each trustee 37246
shall be present in person, which may not be less than one-half of 37247
the regular meetings of the board annually; and 37248

(2) All of the following minimum standards regarding a 37249
meeting conducted using means of electronic communication: 37250

(a) That at least one-third of the trustees attending the 37251
meeting shall be present in person at the place where the meeting 37252
is conducted; 37253

(b) That all votes taken at the meeting are taken by roll 37254

call vote; and 37255

(c) That a trustee who intends to attend a meeting via means 37256
of electronic communication notified the chairperson of that 37257
intent not less than forty-eight hours before the meeting, except 37258
in the case of a declared emergency. 37259

(C) Notwithstanding division (C) of section 121.22 and 37260
sections 3335.06 and 3343.04 of the Revised Code, a trustee who 37261
attends a meeting via means of electronic communication is 37262
considered to be present at the meeting, is counted for purposes 37263
of establishing a quorum, and may vote at the meeting. 37264

(D) Except as provided in this section, no person shall limit 37265
the number of trustees who may attend a meeting via means of 37266
electronic communication, limit the total number of meetings that 37267
the board may conduct using means of electronic communication, 37268
limit the number of meetings in which any one trustee may attend 37269
via means of electronic communication, or impose other limits or 37270
obligations on a trustee by virtue of the trustee's attending a 37271
meeting via means of electronic communication. 37272

Sec. 3365.01. As used in this chapter: 37273

(A) "Articulated credit" means post-secondary credit that is 37274
reflected on the official record of a student at an institution of 37275
higher education only upon enrollment at that institution after 37276
graduation from a secondary school. 37277

(B) "Default ceiling amount" means one of the following 37278
amounts, whichever is applicable: 37279

(1) For a participant enrolled in a college operating on a 37280
semester schedule, the amount calculated according to the 37281
following formula: 37282

$((0.83 \times \text{formula amount}) / 30)$ 37283

X number of enrolled credit hours 37284

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	37285
	37286
	37287
((0.83 X formula amount) / 45)	37288
X number of enrolled credit hours	37289
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	37290
	37291
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	37292
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	37295
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	37296
	37297
	37298
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code <u>means \$6,020.</u>	37299
	37300
(G) "Governing entity" means <u>a any of the following:</u>	37301
<u>(1) A board of education of a school district,</u> a <u>i</u>	37302
<u>(2) A governing authority of a community school established under Chapter 3314.,</u> a <u>of the Revised Code;</u>	37303
	37304
<u>(3) A governing body of a STEM school established under Chapter 3326.,</u> or a <u>of the Revised Code;</u>	37305
	37306
<u>(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;</u>	37307
	37308
<u>(5) When referring to the state school for the deaf or the state school for the blind, the state board of education;</u>	37309
	37310
<u>(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.</u>	37311
	37312
	37313

(H) "Home-instructed participant" means a student who has 37314
been excused from the compulsory attendance law for the purpose of 37315
home instruction under section 3321.04 of the Revised Code, and is 37316
participating in the program established by this chapter. 37317

(I) "Maximum per participant charge amount" means one of the 37318
following amounts, whichever is applicable: 37319

(1) For a participant enrolled in a college operating on a 37320
semester schedule, the amount calculated according to the 37321
following formula: 37322

((formula amount / 30) 37323
X number of enrolled credit hours) 37324

(2) For a participant enrolled in a college operating on a 37325
quarter schedule, the amount calculated according to the following 37326
formula: 37327

((formula amount / 45) 37328
X number of enrolled credit hours) 37329

(J) "Nonpublic secondary school" means a chartered school for 37330
which minimum standards are prescribed by the state board of 37331
education pursuant to division (D) of section 3301.07 of the 37332
Revised Code. 37333

(K) "Number of enrolled credit hours" means the number of 37334
credit hours for a course in which a participant is enrolled 37335
during the previous term after the date on which a withdrawal from 37336
a course would have negatively affected the participant's 37337
transcripted grade, as prescribed by the college's established 37338
withdrawal policy. 37339

(L) "Parent" has the same meaning as in section 3313.64 of 37340
the Revised Code. 37341

(M) "Participant" means any student enrolled in a college 37342
under the program established by this chapter. 37343

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter. 37344
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(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter. 37347
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(P) "Private college" means any of the following: 37351

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 37352
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(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code; 37354
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(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 37358
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(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university. 37361
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(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, ~~or~~ a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, or an institution operated by the department of youth services. 37364
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(S) "School year" has the same meaning as in section 3313.62 37373

of the Revised Code. 37374

(T) "Secondary grade" means any of grades nine through 37375
twelve. 37376

(U) "Standard rate" means the amount per credit hour assessed 37377
by the college for an in-state student who is enrolled in an 37378
undergraduate course at that college, but who is not participating 37379
in the college credit plus program, as prescribed by the college's 37380
established tuition policy. 37381

(V) "Transcripted credit" means post-secondary credit that is 37382
conferred by an institution of higher education and is reflected 37383
on a student's official record at that institution upon completion 37384
of a course. 37385

Sec. 3365.02. (A) There is hereby established the college 37386
credit plus program under which, beginning with the 2015-2016 37387
school year, a secondary grade student who is a resident of this 37388
state may enroll at a college, on a full- or part-time basis, and 37389
complete nonsectarian, nonremedial courses for high school and 37390
college credit. The program shall govern arrangements in which a 37391
secondary grade student enrolls in a college and, upon successful 37392
completion of coursework taken under the program, receives 37393
transcripted credit from the college. The following are not 37394
governed by the college credit plus program: 37395

(1) An agreement governing an early college high school 37396
program, provided the program meets the definition set forth in 37397
division (F)(2) of section 3313.6013 of the Revised Code and is 37398
approved by the superintendent of public instruction and the 37399
chancellor of higher education; 37400

(2) An advanced placement course or international 37401
baccalaureate diploma course, as described in divisions (A)(2) and 37402
(3) of section 3313.6013 of the Revised Code; 37403

(3) A career-technical education program that is approved by 37404
the department of education under section 3317.161 of the Revised 37405
Code and grants articulated credit to students participating in 37406
that program. However, any portion of an approved program that 37407
results in the conferral of transcribed credit upon the 37408
completion of the course shall be governed by the college credit 37409
plus program. 37410

(B) Any student enrolled in a public or nonpublic secondary 37411
school in the student's ninth, tenth, eleventh, or twelfth grade; 37412
any student enrolled in a nonchartered nonpublic secondary school 37413
in the student's ninth, tenth, eleventh, or twelfth grade; and any 37414
student who has been excused from the compulsory attendance law 37415
for the purpose of home instruction under section 3321.04 of the 37416
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 37417
twelfth grade student, may participate in the program, if the 37418
student meets the applicable eligibility criteria in section 37419
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 37420
school student chooses to participate in the program, that student 37421
shall be subject to the same requirements as a home-instructed 37422
student who chooses to participate in the program under this 37423
chapter. 37424

(C) All public secondary schools and all public colleges 37425
shall participate in the program and are subject to the 37426
requirements of this chapter. Any nonpublic secondary school or 37427
private college that chooses to participate in the program shall 37428
also be subject to the requirements of this chapter. 37429

If a nonpublic secondary school chooses not to participate in 37430
the program, the school shall not be subject to the requirements 37431
of this chapter or any rule adopted by the chancellor of higher 37432
education or the state board of education for purposes of the 37433
college credit plus program. 37434

(D) The chancellor, in accordance with Chapter 119. of the 37435

Revised Code and in consultation with the state superintendent, 37436
shall adopt rules governing the program. 37437

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 37438
secondary school during the student's ninth, tenth, eleventh, or 37439
twelfth grade school year; a student enrolled in a nonchartered 37440
nonpublic secondary school in the student's ninth, tenth, 37441
eleventh, or twelfth grade school year; or a student who has been 37442
excused from the compulsory attendance law for the purpose of home 37443
instruction under section 3321.04 of the Revised Code and is the 37444
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 37445
may apply to and enroll in a college under the college credit plus 37446
program. 37447

(1) In order for a public secondary school student to 37448
participate in the program, all of the following criteria shall be 37449
met: 37450

(a) The student or the student's parent shall inform the 37451
principal, or equivalent, of the student's school by the first day 37452
of April of the student's intent to participate in the program 37453
during the following school year. Any student who fails to provide 37454
the notification by the required date may not participate in the 37455
program during the following school year without the written 37456
consent of the principal, or equivalent. If a student seeks 37457
consent from the principal after failing to provide notification 37458
by the required date, the principal shall notify the department of 37459
education of the student's intent to participate within ten days 37460
of the date on which the student seeks consent. If the principal 37461
does not provide written consent, the student may appeal the 37462
principal's decision to the governing entity of the school, except 37463
for a student who is enrolled in a school district, who may appeal 37464
the decision to the district superintendent. Not later than thirty 37465
days after the notification of the appeal, the district 37466

superintendent or governing entity shall hear the appeal and shall 37467
make a decision to either grant or deny that student's 37468
participation in the program. The decision of the district 37469
superintendent or governing entity shall be final. 37470

(b) The student shall: 37471

(i) Apply to a public or a participating private college, or 37472
an eligible out-of-state college participating in the program, in 37473
accordance with the college's established procedures for 37474
admission, pursuant to section 3365.05 of the Revised Code; 37475

(ii) As a condition of eligibility, ~~be~~ satisfy one of the 37476
following criteria: 37477

(I) Be remediation-free, in accordance with one of the 37478
assessments established under division (F) of section 3345.061 of 37479
the Revised Code. ~~However, a student who scores within one~~ 37480
~~standard error of measurement below the remediation free threshold~~ 37481
~~for one of those assessments shall be considered to have met this~~ 37482
~~requirement if the student also either:~~ 37483

~~(I) Has a cumulative high school grade point average of at~~ 37484
~~least 3.0. If the student is seeking to participate under section~~ 37485
~~3365.033 of the Revised Code, the student must have an equivalent~~ 37486
~~cumulative grade point average in the applicable grade levels.;~~ 37487

~~(II) Receives a recommendation from a school counselor,~~ 37488
~~principal, or career technical program advisor~~ Meet an alternative 37489
remediation-free eligibility option, as defined by the chancellor 37490
of higher education, in consultation with the superintendent of 37491
public instruction, in rules adopted under this section; 37492

(III) Have participated in the program prior to the effective 37493
date of this amendment and qualified to participate in the program 37494
by scoring within one standard error of measurement below the 37495
remediation-free threshold for one of the assessments established 37496
under division (F) of section 3345.061 of the Revised Code and 37497

satisfying one of the conditions specified under division 37498
(A)(1)(b)(ii)(I) or (II) of this section as those divisions 37499
existed prior to the effective date of this amendment. 37500

(iii) Meet the college's and relevant academic program's 37501
established standards for admission, enrollment, and course 37502
placement, including course-specific capacity limitations, 37503
pursuant to section 3365.05 of the Revised Code. 37504

(c) The student shall elect at the time of enrollment to 37505
participate under either division (A) or (B) of section 3365.06 of 37506
the Revised Code for each course under the program. 37507

(d) The student and the student's parent shall sign a form, 37508
provided by the school, stating that they have received the 37509
counseling required under division (B) of section 3365.04 of the 37510
Revised Code and that they understand the responsibilities they 37511
must assume in the program. 37512

(2) In order for a nonpublic secondary school student, a 37513
nonchartered nonpublic secondary school student, or a 37514
home-instructed student to participate in the program, both of the 37515
following criteria shall be met: 37516

(a) The student shall meet the criteria in divisions 37517
(A)(1)(b) and (c) of this section. 37518

(b)(i) If the student is enrolled in a nonpublic secondary 37519
school, that student shall send to the department of education a 37520
copy of the student's acceptance from a college and an 37521
application. The application shall be made on forms provided by 37522
the state board of education and shall include information about 37523
the student's proposed participation, including the school year in 37524
which the student wishes to participate; and the semesters or 37525
terms the student wishes to enroll during such year. The 37526
department shall mark each application with the date and time of 37527
receipt. 37528

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A)(1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A)(2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor ~~of higher education~~, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect

the student's eligibility at any public college for scholarships 37560
or for other benefits or opportunities that are available to 37561
first-time college students and are awarded by that college, 37562
regardless of the number of credit hours that the student 37563
completed under the program. 37564

(E) The college to which a student applies to participate 37565
under this section shall pay for one assessment used to determine 37566
that student's eligibility under this section. However, 37567
notwithstanding anything to the contrary in Chapter 3365. of the 37568
Revised Code, any additional assessments used to determine the 37569
student's eligibility shall be the financial responsibility of the 37570
student. 37571

Sec. 3365.032. (A) For purposes of this section: 37572

(1) The "expulsion of a student" or "expelling a student" 37573
means the following: 37574

(a) For a public secondary school that is a school operated 37575
by a city, local, exempted village, or joint vocational school 37576
district, community school established under Chapter 3314. of the 37577
Revised Code, or STEM school established under Chapter 3326. of 37578
the Revised Code, the expulsion of a student or the act of 37579
expelling a student under division (B) of section 3313.66 of the 37580
Revised Code; 37581

(b) For a public secondary school that is a 37582
college-preparatory boarding school, the expulsion of a student or 37583
the act of expelling a student in accordance with the school's 37584
bylaws adopted pursuant to section 3328.13 of the Revised Code; 37585

(c) For a public secondary school that is the state school 37586
for the deaf or the state school for the blind, the expulsion of a 37587
student or the act of expelling a student in accordance with rules 37588
adopted by the state board of education. 37589

(2) A "policy to deny high school credit for courses taken under the college credit plus program during an expulsion" means the following: 37590
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(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, a policy adopted under section 3313.613 of the Revised Code; 37593
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(b) For a college-preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code; 37599
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(c) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the state board requiring such a policy. 37603
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(B) When a public secondary school expels a student under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school established under Chapter 3328. of the Revised Code, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended under division (F) of section 3313.66 37606
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~~of the Revised Code or, for a college preparatory boarding school,~~ 37622
~~in accordance with the school's bylaws adopted pursuant to section~~ 37623
~~3328.13 of the Revised Code, the superintendent, or equivalent,~~ 37624
shall notify the college of the extension. 37625

~~(B)~~(C) A college may withdraw its acceptance under section 37626
3365.03 of the Revised Code of a student who is expelled from 37627
school ~~under division (B) of section 3313.66 of the Revised Code~~ 37628
~~or, for a college preparatory boarding school, in accordance with~~ 37629
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 37630
~~Revised Code.~~ As provided in section 3365.03 of the Revised Code, 37631
regardless of whether the college withdraws its acceptance of the 37632
student for the college term in which the student is expelled, the 37633
student is ineligible to enroll in a college under that section 37634
for subsequent college terms during the period of the expulsion, 37635
unless the student enrolls in another public school or a 37636
participating nonpublic school during that period. 37637

If a college withdraws its acceptance of an expelled student 37638
who elected either option of division (A)(1) or (2) of section 37639
3365.06 of the Revised Code, the college shall refund tuition and 37640
fees paid by the student in the same proportion that it refunds 37641
tuition and fees to students who voluntarily withdraw from the 37642
college at the same time in the term. 37643

If a college withdraws its acceptance of an expelled student 37644
who elected the option of division (B) of section 3365.06 of the 37645
Revised Code, the public school shall not award high school credit 37646
for the college courses in which the student was enrolled at the 37647
time the college withdrew its acceptance, and any reimbursement 37648
under section 3365.07 of the Revised Code for the student's 37649
attendance prior to the withdrawal shall be the same as would be 37650
paid for a student who voluntarily withdrew from the college at 37651
the same time in the term. If the withdrawal results in the 37652
college's receiving no reimbursement, the college or secondary 37653

school may require the student to return or pay for any textbooks 37654
and materials it provided the student free of charge. 37655

~~(C)(D)~~ When a student who elected the option of division (B) 37656
of section 3365.06 of the Revised Code is expelled ~~under division~~ 37657
~~(B) of section 3313.66 of the Revised Code or, for a~~ 37658
~~college preparatory boarding school, in accordance with the~~ 37659
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 37660
Code from a public school that has adopted a policy ~~under section~~ 37661
~~3313.613 of the Revised Code or, for a college preparatory~~ 37662
~~boarding school, in accordance with the school's bylaws adopted~~ 37663
~~pursuant to section 3328.13 of the Revised Code to deny high~~ 37664
school credit for courses taken under the college credit plus 37665
program during an expulsion, that election is automatically 37666
revoked for all college courses in which the student is enrolled 37667
during the college term in which the expulsion is imposed. Any 37668
reimbursement under section 3365.07 of the Revised Code for the 37669
student's attendance prior to the expulsion shall be the same as 37670
would be paid for a student who voluntarily withdrew from the 37671
college at the same time in the term. If the revocation results in 37672
the college's receiving no reimbursement, the college or secondary 37673
school may require the student to return or pay for any textbooks 37674
and materials it provided the student free of charge. 37675

Not later than five days after receiving an expulsion notice 37676
from the superintendent, or equivalent, of a public school that 37677
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 37678
~~or, for a college preparatory boarding school, in accordance with~~ 37679
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 37680
~~Revised Code to deny high school credit for courses taken under~~ 37681
~~the college credit plus program during an expulsion,~~ 37682
the college shall send a written notice to the expelled student that the 37683
student's election of division (B) of section 3365.06 of the 37684
Revised Code is revoked. If the college elects not to withdraw its 37685

acceptance of the student, the student shall pay all applicable 37686
tuition and fees for the college courses and shall pay for any 37687
textbooks and materials that the college or secondary school 37688
provided to the student. 37689

Sec. 3365.035. (A) As used in this section, "mature subject 37690
matter" means any course subject matter or material of a graphic, 37691
explicit, violent, or sexual nature. 37692

(B) The department of education and the department of higher 37693
education shall jointly develop a permission slip regarding the 37694
potential for mature subject matter in a course taken through the 37695
college credit plus program. The departments shall post the 37696
permission slip in a prominent place on their college credit plus 37697
program web sites. 37698

(C) For a student enrolled in a public, chartered nonpublic, 37699
or nonchartered nonpublic school or a home-instructed student to 37700
enroll in any college course under the college credit plus 37701
program, the parent of the student and the student shall sign and 37702
include the permission slip described in division (B) of this 37703
section within the student's application to the public college, 37704
participating private college, or eligible out-of-state college in 37705
which the student wishes to enroll. 37706

(D) Each public and participating private college and 37707
eligible out-of-state college participating in the program, upon 37708
admitting a student under the program, shall include in the 37709
college's enrollment materials the following: 37710

(1) A questionnaire for students, developed by the college, 37711
to answer in the affirmative acknowledging that the student 37712
possesses the necessary social and emotional maturity and is ready 37713
to accept the responsibility and independence that a college 37714
classroom demands and to resubmit to the college; 37715

<u>(2) Guidance on reviewing any course materials available</u>	37716
<u>prior to enrolling in a course;</u>	37717
<u>(3) Information about the college's and the program's</u>	37718
<u>policies on withdrawing from or dropping a course;</u>	37719
<u>(4) Information about the student's right to speak with the</u>	37720
<u>student's high school counselor or with the academic advisor</u>	37721
<u>assigned to the student as prescribed in division (F) of section</u>	37722
<u>3365.05 of the Revised Code.</u>	37723
<u>(E) Each public and participating private college and</u>	37724
<u>eligible out-of-state college participating in the program shall</u>	37725
<u>include a discussion at student orientation about the potential</u>	37726
<u>for mature subject matter in courses taken through the program.</u>	37727
<u>(F) The department of education, the department of higher</u>	37728
<u>education, and each public and participating private college and</u>	37729
<u>eligible out-of-state college participating in the program shall</u>	37730
<u>post in a prominent place on their college credit plus program web</u>	37731
<u>sites the following disclaimer:</u>	37732
<u>"The subject matter of a course enrolled in under the college</u>	37733
<u>credit plus program may include mature subject matter or</u>	37734
<u>materials, including those of a graphic, explicit, violent, or</u>	37735
<u>sexual nature, that will not be modified based upon college credit</u>	37736
<u>plus enrollee participation regardless of where course instruction</u>	37737
<u>occurs."</u>	37738
Sec. 3365.04. Each public and participating nonpublic	37739
secondary school shall do all of the following with respect to the	37740
college credit plus program:	37741
(A) Provide information about the program prior to the first	37742
day of February of each year to all students enrolled in grades	37743
six through eleven;	37744
(B) Provide counseling services to students in grades six	37745

through eleven and to their parents before the students	37746
participate in the program under this chapter to ensure that	37747
students and parents are fully aware of the possible consequences	37748
and benefits of participation. Counseling information shall	37749
include:	37750
(1) Program eligibility;	37751
(2) The process for granting academic credits;	37752
(3) Any necessary financial arrangements for tuition,	37753
textbooks, and fees;	37754
(4) Criteria for any transportation aid;	37755
(5) Available support services;	37756
(6) Scheduling;	37757
(7) Communicating the possible consequences and benefits of	37758
participation, including all of the following:	37759
(a) The consequences of failing or not completing a course	37760
under the program, including the effect on the student's ability	37761
to complete the secondary school's graduation requirements;	37762
(b) The effect of the grade attained in a course under the	37763
program being included in the student's grade point average, as	37764
applicable;	37765
(c) The benefits to the student for successfully completing a	37766
course under the program, including the ability to reduce the	37767
overall costs of, and the amount of time required for, a college	37768
education.	37769
(8) The academic and social responsibilities of students and	37770
parents under the program;	37771
(9) Information about and encouragement to use the counseling	37772
services of the college in which the student intends to enroll;	37773
(10) The standard packet of information for the program	37774

developed by the chancellor of higher education pursuant to 37775
section 3365.15 of the Revised Code; 37776

For a participating nonpublic secondary school, counseling 37777
information shall also include an explanation that funding may be 37778
limited and that not all students who wish to participate may be 37779
able to do so. 37780

(11) Information about the potential for mature subject 37781
matter, as defined in section 3365.035 of the Revised Code, in 37782
courses in which the student intends to enroll through the program 37783
and notification that courses will not be modified based upon 37784
program enrollee participation regardless of where course 37785
instruction occurs. The information shall include the permission 37786
slip described in division (B) of section 3365.035 of the Revised 37787
Code. 37788

(C) Promote the program on the school's web site, including 37789
the details of the school's current agreements with partnering 37790
colleges; 37791

(D) Schedule at least one informational session per school 37792
year to allow each participating college that is located within 37793
thirty miles of the school to meet with interested students and 37794
parents. The session shall include the benefits and consequences 37795
of participation and shall outline any changes or additions to the 37796
requirements of the program. If there are no participating 37797
colleges located within thirty miles of the school, the school 37798
shall coordinate with the closest participating college to offer 37799
an informational session. 37800

For the purposes of division (D) of this section, 37801
"participating college" shall include both of the following: 37802

(1) A partnering college; 37803

(2) Any public college, private college, or eligible 37804
out-of-state college to which both of the following ~~applies~~ apply: 37805

(a) The college participates in the college credit plus program.	37806 37807
(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session.	37808 37809 37810
(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program.	37811 37812 37813 37814 37815 37816 37817 37818 37819 37820 37821 37822
(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program.	37823 37824 37825
(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.	37826 37827 37828 37829
Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that	37830 37831 37832 37833 37834 37835 37836

participant is awarded funding according to rules adopted by the 37837
chancellor of higher education, in consultation with the 37838
superintendent of public instruction, pursuant to section 3365.071 37839
of the Revised Code. The program shall be the sole mechanism by 37840
which state funds are paid to colleges for students to earn 37841
transcripted credit for college courses while enrolled in both a 37842
secondary school and a college, with the exception of state funds 37843
paid to colleges according to an agreement described in division 37844
(A)(1) of section 3365.02 of the Revised Code. 37845

(A) For each public or nonpublic secondary school participant 37846
enrolled in a public college: 37847

(1) If no agreement has been entered into under division 37848
(A)(2) of this section, both of the following shall apply: 37849

(a) The department shall pay to the college the applicable 37850
amount as follows: 37851

(i) For a participant enrolled in a college course delivered 37852
on the college campus, at another location operated by the 37853
college, or online, the lesser of the default ceiling amount or 37854
the college's standard rate; 37855

(ii) For a participant enrolled in a college course delivered 37856
at the participant's secondary school but taught by college 37857
faculty, the lesser of fifty per cent of the default ceiling 37858
amount or the college's standard rate; 37859

(iii) For a participant enrolled in a college course 37860
delivered at the participant's secondary school and taught by a 37861
high school teacher who has met the credential requirements 37862
established for purposes of the program in rules adopted by the 37863
chancellor, the default floor amount. 37864

(b) The participant's secondary school shall pay for 37865
textbooks, and the college shall waive payment of all other fees 37866

related to participation in the program. 37867

(2) The governing entity of a participant's secondary school 37868
and the college may enter into an agreement to establish an 37869
alternative payment structure for tuition, textbooks, and fees. 37870
Under such an agreement, payments for each participant made by the 37871
department shall be not less than the default floor amount, unless 37872
approved by the chancellor, and not more than either the default 37873
ceiling amount or the college's standard rate, whichever is less. 37874
The chancellor may approve an agreement that includes a payment 37875
below the default floor amount, as long as the provisions of the 37876
agreement comply with all other requirements of this chapter to 37877
ensure program quality. If no agreement is entered into under 37878
division (A)(2) of this section, both of the following shall 37879
apply: 37880

(a) The department shall pay to the college the applicable 37881
default amounts prescribed by division (A)(1)(a) of this section, 37882
depending upon the method of delivery and instruction. 37883

(b) In accordance with division (A)(1)(b) of this section, 37884
the participant's secondary school shall pay for textbooks, and 37885
the college shall waive payment of all other fees related to 37886
participation in the program. 37887

(3) No participant that is enrolled in a public college shall 37888
be charged for any tuition, textbooks, or other fees related to 37889
participation in the program. 37890

(B) For each public secondary school participant enrolled in 37891
a private college: 37892

(1) If no agreement has been entered into under division 37893
(B)(2) of this section, the department shall pay to the college 37894
the applicable amount calculated in the same manner as in division 37895
(A)(1)(a) of this section. 37896

(2) The governing entity of a participant's secondary school 37897

and the college may enter into an agreement to establish an 37898
alternative payment structure for tuition, textbooks, and fees. 37899
Under such an agreement, payments shall be not less than the 37900
default floor amount, unless approved by the chancellor, and not 37901
more than either the default ceiling amount or the college's 37902
standard rate, whichever is less. 37903

If an agreement is entered into under division (B)(2) of this 37904
section, both of the following shall apply: 37905

(a) The department shall make a payment to the college for 37906
each participant that is equal to the default floor amount, unless 37907
approved by the chancellor to pay an amount below the default 37908
floor amount. The chancellor may approve an agreement that 37909
includes a payment below the default floor amount, as long as the 37910
provisions of the agreement comply with all other requirements of 37911
this chapter to ensure program quality. 37912

(b) Payment for costs for the participant that exceed the 37913
amount paid by the department pursuant to division (B)(2)(a) of 37914
this section shall be negotiated by the school and the college. 37915
The agreement may include a stipulation permitting the charging of 37916
a participant. 37917

However, under no circumstances shall: 37918

(i) Payments for a participant made by the department under 37919
division (B)(2) of this section exceed the lesser of the default 37920
ceiling amount or the college's standard rate; 37921

(ii) The amount charged to a participant under division 37922
(B)(2) of this section exceed the difference between the maximum 37923
per participant charge amount and the default floor amount; 37924

(iii) The sum of the payments made by the department for a 37925
participant and the amount charged to that participant under 37926
division (B)(2) of this section exceed the following amounts, as 37927
applicable: 37928

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;	37929 37930 37931
(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;	37932 37933 37934
(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.	37935 37936 37937 37938 37939
(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.	37940 37941 37942 37943
(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.	37944 37945 37946 37947 37948 37949 37950
However, under no circumstances shall:	37951
(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.	37952 37953 37954
(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to	37955 37956 37957 37958 37959

3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) The department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. Except in cases involving incomplete participant information or a dispute of participant information, payments shall be made by the last day of January for participants who were enrolled during the fall term and by the last day of July for participants who were enrolled during the spring term. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants under this section shall be deducted as follows:

(a) For a participant enrolled in a school district, from the 37992
school foundation payments made to the participant's school 37993
district ~~or, if the participant is enrolled in a community school,~~ 37994
~~a STEM school, or a college preparatory boarding school, from the~~ 37995
~~payments made to that school under section 3314.08, 3326.33, or~~ 37996
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 37997
joint vocational school district, a portion of the amount shall be 37998
deducted from the payments to the joint vocational school district 37999
and a portion shall be deducted from the payments to the 38000
participant's city, local, or exempted village school district in 38001
accordance with the full-time equivalency of the student's 38002
enrollment in each district. 38003

(b) For a participant enrolled in a community school 38004
established under Chapter 3314. of the Revised Code, from the 38005
payments made to that school under section 3314.08 of the Revised 38006
Code; 38007

(c) For a participant enrolled in a STEM school, from the 38008
payments made to that school under section 3326.33 of the Revised 38009
Code; 38010

(d) For a participant enrolled in a college-preparatory 38011
boarding school, from the payments made to that school under 38012
section 3328.34 of the Revised Code; 38013

(e) For a participant enrolled in the state school for the 38014
deaf or the state school for the blind, from the amount paid to 38015
that school with funds appropriated by the general assembly for 38016
support of that school; 38017

(f) For a participant enrolled in an institution operated by 38018
the department of youth services, from the amount paid to that 38019
institution with funds appropriated by the general assembly for 38020
support of that institution. Amounts 38021

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of 38022

this section shall be calculated in accordance with rules adopted 38023
by the chancellor, in consultation with the state superintendent, 38024
pursuant to division (B) of section 3365.071 of the Revised Code 38025

(2) Payments made for nonpublic secondary school 38026
participants, nonchartered nonpublic secondary school 38027
participants, and home-instructed participants under this section 38028
shall be deducted from moneys appropriated by the general assembly 38029
for such purpose. Payments shall be allocated and distributed in 38030
accordance with rules adopted by the chancellor, in consultation 38031
with the state superintendent, pursuant to division (A) of section 38032
3365.071 of the Revised Code. 38033

(G) Any public college that enrolls a student under division 38034
(B) of section 3365.06 of the Revised Code may include that 38035
student in the calculation used to determine its state share of 38036
instruction funds appropriated to the department of higher 38037
education by the general assembly. 38038

Sec. 3375.011. Any library organized under Chapter 3375. of 38039
the Revised Code shall provide free of charge to any individual a 38040
photocopy of that individual's driver's license, temporary 38041
driver's permit, or state identification card, if the individual 38042
requests one. 38043

Sec. 3501.302. The secretary of state may enter into 38044
agreements for the bulk purchase of election supplies in order to 38045
reduce the costs for such purchases by individual boards of 38046
elections. A board of elections desiring to participate in such 38047
purchase agreements shall file with the secretary of state a 38048
written request for inclusion. A request for inclusion shall 38049
include an agreement to be bound by such terms and conditions as 38050
the secretary of state prescribes and to make direct payments to 38051
the vendor under each purchase agreement. 38052

Nothing in this section prohibits a board of elections from 38053
purchasing election supplies through the department of 38054
administrative services under section 125.04 of the Revised Code. 38055

Sec. 3701.132. (A) As used in this section, "WIC program" 38056
means the "special supplemental nutrition program for women,
infants, and children" established under the "Child Nutrition Act
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 38057
38058
38059

(B) The department of health is hereby designated as the 38060
state agency to administer the WIC program. 38061

The director of health shall adopt rules pursuant to Chapter 38062
119. of the Revised Code as necessary for administering the WIC 38063
program. The rules may include civil money penalties for 38064
violations of the rules. ~~The rules shall require a contract the~~ 38065
~~department enters into with a WIC clinic to include provisions~~ 38066
~~requiring the clinic to promote the use of technology based~~ 38067
~~resources, such as mobile telephone or text messaging~~ 38068
~~applications, that offer tips on having a healthy pregnancy and~~ 38069
~~healthy baby to clinic clients who are pregnant or have an infant~~ 38070
~~who is less than one year of age.~~ 38071

(C) In determining eligibility for services provided under 38072
the WIC program, the department may use the application form 38073
established under section 5163.40 of the Revised Code for the 38074
healthy start program. The department may require applicants to 38075
furnish their social security numbers. 38076

(D) If the department determines that a vendor has committed 38077
an act with respect to the WIC program that federal statutes or 38078
regulations or state statutes or rules prohibit, the department 38079
shall take action against the vendor in the manner required by 7 38080
C.F.R. part 246, including imposition of a civil money penalty in 38081
accordance with 7 C.F.R. 246.12, or rules adopted under this 38082
section. 38083

Sec. 3701.362. (A) Each of the health care facilities and 38084
providers identified in division (B) of this section shall do both 38085
of the following: 38086

(1) Establish a system for identifying patients or residents 38087
who could benefit from palliative care; 38088

(2) Provide information on palliative care to patients and 38089
residents who could benefit from palliative care. 38090

(B) Division (A) of this section applies to all of the 38091
following: 38092

(1) A hospital registered under section 3701.07 of the 38093
Revised Code; 38094

(2) An ambulatory surgical facility, as defined in section 38095
3702.30 of the Revised Code; 38096

(3) A nursing home, residential care facility, county home, 38097
or district home, as defined in section 3721.01 of the Revised 38098
Code; 38099

(4) A veterans' home operated under Chapter 5907. of the 38100
Revised Code; 38101

(5) A hospice care program or pediatric respite care program, 38102
as defined in section 3712.01 of the Revised Code; 38103

(6) A home health agency, as defined in section ~~3701.881~~ 38104
3740.01 of the Revised Code. 38105

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 38106
of this section, all newborn children shall be screened for the 38107
presence of the genetic, endocrine, and metabolic disorders 38108
specified in rules adopted pursuant to this section. 38109

(2) Division (A)(1) of this section does not apply in either 38110
of the following circumstances: 38111

(a) If the parents of the child object to the screening on 38112
the grounds that it conflicts with their religious tenets and 38113
practices; 38114

(b) With respect to the screening for Krabbe disease 38115
described in division (C)(1)(b) of this section, if the parents of 38116
the child communicate their decision to forgo the screening. 38117

(B) There is hereby created the newborn screening advisory 38118
council to advise the director of health regarding the screening 38119
of newborn children for genetic, endocrine, and metabolic 38120
disorders. The council shall engage in an ongoing review of the 38121
newborn screening requirements established under this section and 38122
shall provide recommendations and reports to the director as the 38123
director requests and as the council considers necessary. The 38124
director may assign other duties to the council, as the director 38125
considers appropriate. 38126

The council shall consist of fourteen members appointed by 38127
the director. In making appointments, the director shall select 38128
individuals and representatives of entities with interest and 38129
expertise in newborn screening, including such individuals and 38130
entities as health care professionals, hospitals, children's 38131
hospitals, regional genetic centers, regional sickle cell centers, 38132
newborn screening coordinators, and members of the public. 38133

The department of health shall provide meeting space, staff 38134
services, and other technical assistance required by the council 38135
in carrying out its duties. Members of the council shall serve 38136
without compensation, but shall be reimbursed for their actual and 38137
necessary expenses incurred in attending meetings of the council 38138
or performing assignments for the council. 38139

The council is not subject to sections 101.82 to 101.87 of 38140
the Revised Code. 38141

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 38142

director of health shall adopt rules in accordance with Chapter 38143
119. of the Revised Code specifying the disorders for which each 38144
newborn child must be screened. 38145

(b) In adopting the rules, all of the following apply: 38146

(i) The director shall specify Krabbe disease as a disorder 38147
for which a newborn child who is born on or after July 1, 2016, 38148
must be screened. 38149

(ii) The director shall specify spinal muscular atrophy and 38150
X-linked adrenoleukodystrophy as disorders for which a newborn 38151
child who is born on or after the date that is two hundred forty 38152
days after the effective date of this amendment must be screened. 38153

(iii) Not later than six months after receiving a 38154
recommendation as described in division (C)(3)(b) of this section, 38155
the director shall specify for screening a disorder recommended as 38156
described in division (C)(3)(b) of this section, with such 38157
screening to begin not later than one year after the date that the 38158
rule specifying the disorder for screening becomes effective. 38159

(2) The newborn screening advisory council shall evaluate 38160
genetic, metabolic, and endocrine disorders to assist the director 38161
in determining which disorders should be included in the 38162
screenings required under this section. In determining whether a 38163
disorder should be included, the council shall consider all of the 38164
following: 38165

(a) The disorder's incidence, mortality, and morbidity; 38166

(b) Whether the disorder causes disability if diagnosis, 38167
treatment, and early intervention are delayed; 38168

(c) The potential for successful treatment of the disorder; 38169

(d) The expected benefits to children and society in relation 38170
to the risks and costs associated with screening for the disorder; 38171

(e) Whether a screening for the disorder can be conducted 38172

without taking an additional blood sample or specimen; 38173

(f) Whether the secretary of the United States department of health and human services has included the disorder in the federal recommended uniform screening panel. 38174
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(3)(a) Based on the considerations specified in division 38177
(C)(2) of this section, the council shall make recommendations to 38178
the director of health for the adoption of rules under division 38179
(C)(1) of this section. The 38180

(b) In the case of a disorder included within the federal recommended uniform screening panel, the council shall determine not later than six months after the date of the disorder's inclusion on the federal panel whether or not to recommend to the director that each newborn child be screened for the disorder. If the council recommends screening for the disorder, the council shall submit to the director as soon as practicable a recommendation for such screening. 38181
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(c) The director shall promptly and thoroughly review each recommendation the council submits. 38189
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(D) The director shall adopt rules in accordance with Chapter 38191
119. of the Revised Code establishing standards and procedures for 38192
the screenings required by this section. The rules shall include 38193
standards and procedures for all of the following: 38194

(1) Causing rescreenings to be performed when initial 38195
screenings have abnormal results; 38196

(2) Designating the person or persons who will be responsible 38197
for causing screenings and rescreenings to be performed; 38198

(3) Giving to the parents of a child notice of the required 38199
initial screening and the possibility that rescreenings may be 38200
necessary; 38201

(4) Communicating to the parents of a child the results of 38202

the child's screening and any rescreenings that are performed; 38203

(5) Giving notice of the results of an initial screening and 38204
any rescreenings to the person who caused the child to be screened 38205
or rescreened, or to another person or government entity when the 38206
person who caused the child to be screened or rescreened cannot be 38207
contacted; 38208

(6) Referring children who receive abnormal screening or 38209
rescreening results to providers of follow-up services, including 38210
the services made available through funds disbursed under division 38211
(F) of this section. 38212

(E)(1) Except as provided in divisions (E)(2) and (3) of this 38213
section, all newborn screenings required by this section shall be 38214
performed by the public health laboratory authorized under section 38215
3701.22 of the Revised Code. 38216

(2) If the director determines that the public health 38217
laboratory is unable to perform screenings for all of the 38218
disorders specified in the rules adopted under division (C) of 38219
this section, the director shall select another laboratory to 38220
perform the screenings. The director shall select the laboratory 38221
by issuing a request for proposals. The director may accept 38222
proposals submitted by laboratories located outside this state. At 38223
the conclusion of the selection process, the director shall enter 38224
into a written contract with the selected laboratory. If the 38225
director determines that the laboratory is not complying with the 38226
terms of the contract, the director shall immediately terminate 38227
the contract and another laboratory shall be selected and 38228
contracted with in the same manner. 38229

(3) Any rescreening caused to be performed pursuant to this 38230
section may be performed by the public health laboratory or one or 38231
more other laboratories designated by the director. Any laboratory 38232
the director considers qualified to perform rescreenings may be 38233

designated, including a laboratory located outside this state. If 38234
more than one laboratory is designated, the person responsible for 38235
causing a rescreening to be performed is also responsible for 38236
selecting the laboratory to be used. 38237

(F)(1) The director shall adopt rules in accordance with 38238
Chapter 119. of the Revised Code establishing a fee that shall be 38239
charged and collected in addition to or in conjunction with any 38240
laboratory fee that is charged and collected for performing the 38241
screenings required by this section. The fee, which shall be not 38242
less than fourteen dollars, shall be disbursed as follows: 38243

(a) Not less than ten dollars and twenty-five cents shall be 38244
deposited in the state treasury to the credit of the genetics 38245
services fund, which is hereby created. Not less than seven 38246
dollars and twenty-five cents of each fee credited to the genetics 38247
services fund shall be used to defray the costs of the programs 38248
authorized by section 3701.502 of the Revised Code. Not less than 38249
three dollars from each fee credited to the genetics services fund 38250
shall be used to defray costs of phenylketonuria programs. 38251

(b) Not less than three dollars and seventy-five cents shall 38252
be deposited into the state treasury to the credit of the sickle 38253
cell fund, which is hereby created. Money credited to the sickle 38254
cell fund shall be used to defray costs of programs authorized by 38255
section 3701.131 of the Revised Code. 38256

(2) In adopting rules under division (F)(1) of this section, 38257
the director shall not establish a fee that differs according to 38258
whether a screening is performed by the public health laboratory 38259
or by another laboratory selected by the director pursuant to 38260
division (E)(2) of this section. 38261

Sec. 3701.61. (A) The department of health shall establish 38262
the help me grow program as the state's evidence-based parent 38263
support program that encourages early prenatal and well-baby care, 38264

as well as provides parenting education to promote the 38265
comprehensive health and development of children. The program 38266
shall ~~also~~ provide home visiting services to families with a 38267
pregnant woman or ~~an infant or toddler~~ child under ~~three~~ five 38268
years of age ~~who~~ that meet the eligibility requirements 38269
established in rules adopted under this section. Home visiting 38270
services shall be provided through evidence-based home visiting 38271
models or innovative, promising home visiting models recommended 38272
by the Ohio home visiting consortium created under section 38273
3701.612 of the Revised Code. 38274

(B) Families shall be referred to the appropriate home 38275
visiting services through the central intake and referral system 38276
created under section 3701.611 of the Revised Code. 38277

(C) To the extent possible, the goals of the help me grow 38278
program shall be consistent with the goals of the federal home 38279
visiting program, as specified by the maternal and child health 38280
bureau of the health resources and services administration in the 38281
United States department of health and human services or its 38282
successor. 38283

(D) The director of health may enter into an interagency 38284
agreement with one or more state agencies to implement the help me 38285
grow program and ensure coordination of early childhood programs. 38286

(E) The director may distribute help me grow program funds 38287
through contracts, grants, or subsidies to entities providing 38288
services under the program. 38289

(F) As a condition of receiving payments for home visiting 38290
services, providers shall ~~do both of the following:~~ 38291

~~(1) Promote the use of technology based resources, such as 38292
mobile telephone or text messaging applications, that offer tips 38293
on having a healthy pregnancy and healthy baby to families with a 38294~~

pregnant woman or infant who is less than one year of age;	38295
(2) Report <u>report</u> to the director data on the program	38296
performance indicators, specified in rules adopted under division	38297
(G) of this section, that are used to assess progress toward	38298
achieving all of the following:	38299
(a) <u>(1)</u> The benchmark domains established for the federal home	38300
visiting program, including improvement in maternal and newborn	38301
health; reduction in child injuries, abuse, and neglect; improved	38302
school readiness and achievement; reduction in crime and domestic	38303
violence; and improved family economic self-sufficiency;	38304
(b) <u>(2)</u> Improvement in birth outcomes and reduction in	38305
stillbirths, as that term is defined in section 3701.97 of the	38306
Revised Code;	38307
(c) <u>(3)</u> Reduction in tobacco use by pregnant women, new	38308
parents, and others living in households with children.	38309
The providers shall report the data in the format and within	38310
the time frames specified in the rules.	38311
The director shall prepare an annual report on the data	38312
received from the providers. The director shall make the report	38313
available on the internet web site maintained by the department of	38314
health.	38315
(G) Pursuant to Chapter 119. of the Revised Code, the	38316
director shall adopt rules that are necessary and proper to	38317
implement this section. The rules shall specify all of the	38318
following:	38319
(1) Subject to division (H) of this section, eligibility	38320
requirements for home visiting services;	38321
(2) Eligibility requirements for providers of home visiting	38322
services;	38323
(3) Standards and procedures for the provision of program	38324

services, including data collection, program monitoring, and program evaluation;	38325 38326
(4) Procedures for appealing the denial of an application for program services or the termination of services;	38327 38328
(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	38329 38330 38331
(6) Procedures for addressing complaints;	38332
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	38333 38334 38335 38336 38337
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	38338 38339 38340
(9) Criteria for payment of approved providers of program services;	38341 38342
(10) Any other rules necessary to implement the program.	38343
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	38344 38345 38346 38347 38348
Sec. 3701.613. Beginning in fiscal year 2018, the department of health shall facilitate and allocate funds for a biannual <u>biennial</u> summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:	38349 38350 38351 38352 38353 38354

(A) Share the latest research on evidence-based and innovative, promising home visiting models; 38355
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(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models; 38357
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(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs; 38360
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(D) Present successes and challenges encountered by home visiting programs. 38362
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Sec. 3701.831. The director of health may assess the operating funds of the department to pay a share of the department's administrative costs. The assessments shall be based on a plan that the director develops ~~and submits to the office of budget and management not later than the fifteenth day of July of the fiscal year in which the assessments are to be made. If the office of budget and management determines that the assessments proposed in the plan can be implemented with uniformity and administrative ease, it shall approve the plan within two weeks after it is submitted.~~ Assessments shall be paid from the funds designated in the plan and credited by means of intrastate transfer voucher to the central support indirect fund which is hereby created in the state treasury. The fund shall be administered by the director of health and used to pay administrative costs of the department of health. 38364
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Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section ~~3701.881~~ 3740.01 of the Revised Code. 38379
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(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted 38382
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industry sector as identified by the governor's office of 38385
workforce transformation. 38386

(C) The director of job and family services shall review the 38387
criteria for any program that provides occupational training, 38388
adult education, or career pathway assistance through a grant or 38389
other source of funding to determine whether an employee of a home 38390
health agency may participate in the program, and, to the extent 38391
possible, make any necessary changes to the criteria to allow a 38392
home health agency employee to participate in the program. 38393

Sec. 3703.01. (A) Except as otherwise provided in this 38394
section, the division of industrial compliance in the department 38395
of commerce shall do all of the following: 38396

(1) Inspect all nonresidential buildings within the meaning 38397
of section 3781.06 of the Revised Code; 38398

(2) Condemn all unsanitary or defective plumbing that is 38399
found in connection with those places; 38400

(3) Order changes in plumbing necessary to insure the safety 38401
of the public health. 38402

(B)(1)(a) The division of industrial compliance, boards of 38403
health of city and general health districts, and county building 38404
departments shall not inspect plumbing or collect fees for 38405
inspecting plumbing in particular types of buildings in any 38406
municipal corporation that is certified by the board of building 38407
standards under section 3781.10 of the Revised Code to exercise 38408
enforcement authority for plumbing in those types of buildings. 38409

(b) The division shall not inspect plumbing or collect fees 38410
for inspecting plumbing in particular types of buildings in any 38411
health district that employs has given the division written notice 38412
that it intends to inspect plumbing in the particular types of 38413
buildings and that either: 38414

(i) Employs one or more plumbing inspectors, certified 38415
pursuant to division (D) of this section 3781.10 of the Revised 38416
Code, to enforce Chapters 3781. and 3791. of the Revised Code and 38417
the rules adopted pursuant to those chapters relating to plumbing 38418
in those types of buildings; 38419

(ii) Has a contract with a board of county commissioners or 38420
another board of health, entered pursuant to division (C) of this 38421
section, that authorizes a county building department or the other 38422
board of health to inspect plumbing in the particular types of 38423
buildings in the health district. 38424

~~(e) The division shall not inspect plumbing or collect fees~~ 38425
~~for inspecting plumbing in particular types of buildings in any~~ 38426
~~health district where the county building department is authorized~~ 38427
~~to inspect those types of buildings pursuant to a contract~~ 38428
~~described in division (C)(1) of this section.~~ 38429

~~(d) The division shall not inspect plumbing or collect fees~~ 38430
~~for inspecting plumbing in particular types of buildings in any~~ 38431
~~health district where the board of health has entered into a~~ 38432
~~contract with the board of health of another district to conduct~~ 38433
~~inspections pursuant to division (C)(2) of this section.~~ 38434

(2) No county building department shall inspect plumbing or 38435
collect fees for inspecting plumbing in any type of building in a 38436
health district unless the department is authorized to inspect 38437
that type of building pursuant to a contract described in division 38438
(C)(1) of this section. 38439

(3) No municipal corporation shall inspect plumbing or 38440
collect fees for inspecting plumbing in types of buildings for 38441
which it is not certified by the board of building standards under 38442
section 3781.10 of the Revised Code to exercise enforcement 38443
authority. 38444

~~(4) No board of health of a health district shall inspect~~ 38445

~~plumbing or collect fees for inspecting plumbing in types of 38446
buildings for which it does not have a plumbing inspector 38447
certified pursuant to division (D) of this section. 38448~~

(C)(1) The board of health of a health district may enter 38449
into a contract with a board of county commissioners to authorize 38450
the county building department to inspect plumbing in buildings 38451
within the health district. The contract may designate that the 38452
department inspect either residential or nonresidential buildings, 38453
as those terms are defined in section 3781.06 of the Revised Code, 38454
or both types of buildings, ~~so long as the department employs or 38455
contracts with a plumbing inspector certified pursuant to division 38456
(D) of this section to inspect the types of buildings the contract 38457
designates. The board of health may enter into a contract 38458
regardless of whether the health district employs any certified 38459
plumbing inspectors to enforce Chapters 3781. and 3791. of the 38460
Revised Code. 38461~~

(2) The board of health of a health district, ~~regardless of 38462
whether it employs any certified plumbing inspectors to enforce 38463
Chapters 3781. and 3791. of the Revised Code,~~ may enter into a 38464
contract with the board of health of another health district to 38465
authorize that board to inspect plumbing in buildings within the 38466
contracting board's district. The contract may designate the 38467
inspection of either residential or nonresidential buildings as 38468
defined in section 3781.06 of the Revised Code, or both types of 38469
buildings, ~~so long as the board that performs the inspections 38470
employs a plumbing inspector certified pursuant to division (D) of 38471
this section to inspect the types of buildings the contract 38472
designates. 38473~~

(D) ~~The superintendent of industrial compliance shall adopt 38474
rules prescribing minimum qualifications based on education, 38475
training, experience, or demonstrated ability, that the 38476
superintendent shall use in certifying or recertifying plumbing 38477~~

~~inspectors to do plumbing inspections for health districts and county building departments that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.~~

~~(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:~~

~~(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.~~

~~(2) The other state or agency extends similar reciprocity to persons certified under this chapter.~~

~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~

~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~

~~(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;~~

~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~

~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~

~~(G) Standards and methods prescribed in local plumbing~~

regulations shall not be less than those prescribed in Chapters 38508
3781. and 3791. of the Revised Code and the rules adopted pursuant 38509
to those chapters. 38510

~~(H)~~(E) Notwithstanding any other provision of this section, 38511
the division shall make a plumbing inspection of any building or 38512
other place that there is reason to believe is in a condition to 38513
be a menace to the public health. 38514

Sec. 3703.03. In the administration of sections 3703.01 to 38515
3703.08 of the Revised Code, the division of industrial compliance 38516
shall enforce rules governing plumbing adopted by the board of 38517
building standards under authority of sections 3781.10 and 3781.11 38518
of the Revised Code, ~~and register those persons engaged in or at~~ 38519
~~the plumbing business.~~ 38520

Plans and specifications for all plumbing to be installed in 38521
or for buildings coming within such sections shall be submitted to 38522
and approved by the division before the contract for plumbing is 38523
let. 38524

Sec. 3709.012. (A) Not later than the date that is eighteen 38525
months after the official announcement of the result of a federal 38526
decennial census taken in a particular census year, including the 38527
2020 census, a city with a population less than fifty thousand 38528
that is represented by a board of health of a city health district 38529
shall complete a study examining the efficiency and effectiveness 38530
of the city health district merging with the general health 38531
district of the county in which the city is located. As part of 38532
the study, the city shall compare the merger's efficiency and 38533
effectiveness with that of remaining as a separate health 38534
district. 38535

(B) The director of health, in consultation with the auditor 38536
of state, shall develop criteria to be used by the city described 38537

in division (A) of this section in determining whether such a merger is advisable. The criteria may include accreditation standards promulgated by the public health accreditation board.

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(C) The director of health shall provide technical and financial assistance to each city described in this section and shall oversee any efficiency and effectiveness study conducted under division (A) of this section.

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(D) If, based on the criteria described in division (B) of this section, the study indicates that a merger would be efficient and effective, then the chief executive of the city shall enter into a contract with the district advisory council of the general health district that includes the city for the administration of health affairs in the former city health district and the merged general health district.

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(E) If a merger is required by this section, the merger shall be completed not later than thirty months after the official announcement of the result of a federal decennial census, unless either of the following, as applicable, acts for good cause to delay implementation of the merger:

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(1) In the case of a general health district consisting of a single county, the district advisory council of the general health district;

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(2) In the case of a general health district consisting of more than one county as a result of a union of general health districts under section 3709.10 of the Revised Code, the district advisory council representing the county within the district where a majority of the population to be served by the merged general health district resides.

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Sec. 3709.052. When a majority of the members of the legislative authority or a majority of the electors of each city

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constituting a city health district have voted affirmatively, the 38568
chief executives of the cities affected shall enter into a 38569
contract for the administration of public health affairs in the 38570
combined district. Such contract shall state the proportion of 38571
expenses of the board of health or health department of the 38572
combined district to be paid by each city. Unless the proposal 38573
establishing the district as contained in the petition and 38574
submitted to the electors provides for the board of health of the 38575
new district, the contract may provide that the administration of 38576
the combined district be taken over by either the board of health 38577
or the health department of one of the cities or by a combined 38578
board of health. If the contract provides for a combined board of 38579
health, the number of members of the board, their terms of office, 38580
and the method of appointment, shall be set forth in the contract. 38581
The contract shall designate the city in which the central office 38582
of the board of health shall be located. The city treasurer of 38583
such city shall be the custodian of the health funds of the 38584
combined district. The auditor of such city shall act as the 38585
auditor of the combined district and shall pay the expenses of the 38586
health program as approved by the board of health and signed by 38587
the health commissioner. A copy of such contract shall be filed 38588
with the director of health. 38589

The service status of any person employed by a city health 38590
district shall not be affected by the creation of a combined 38591
district. 38592

Sec. 3709.06. If any city constituting a city health district 38593
fails to establish a board of health under section 3709.05 of the 38594
Revised Code, the director of health may appoint a health 38595
commissioner for such city, and fix the commissioner's salary and 38596
term of office. Such commissioner shall have the same powers and 38597
perform the duties granted to or imposed upon a board of health of 38598
a city health district, except that rules, regulations, or orders 38599

of a general nature, made by the commissioner and required to be 38600
published, shall be approved by the director. The salary of such 38601
commissioner and all necessary expenses incurred by the 38602
commissioner in performing the duties of the board shall be paid 38603
by and be a valid claim against such city. 38604

Sec. 3709.07. Except as provided in section 3709.071 of the 38605
Revised Code, when it is proposed that one or more city health 38606
districts unite with a general health district in the formation of 38607
a single district, the district advisory council of the general 38608
health district shall meet and vote on the question of union. It 38609
shall require a majority affirmative vote of the members of the 38610
district advisory council to carry the question. The legislative 38611
authority of each city constituting a city health district shall 38612
likewise vote on the question. A majority voting affirmatively 38613
shall be required for approval. When the majority of the district 38614
advisory council and the legislative authority have voted 38615
affirmatively, the chair of the council and the chief executive of 38616
each city shall enter into a contract for the administration of 38617
health affairs in the combined district. Such contract shall state 38618
the proportion of the expenses of the board of health or health 38619
department of the combined district to be paid by the city or 38620
cities and by the original general health district. The contract 38621
may provide that the administration of the combined district shall 38622
be taken over by either the board of health or health department 38623
of one of the cities, by the board of health of the general health 38624
district, or by a combined board of health. Such contract shall 38625
prescribe the date on which such change of administration shall be 38626
made. A copy of such contract shall be filed with the director of 38627
health. 38628

The combined district shall constitute a general health 38629
district, and the board of health or health department of the 38630
city, the board of health of the original general health district, 38631

or the combined board of health, as may be agreed in the contract, 38632
shall have, within the combined district, all the powers granted 38633
to, and perform all the duties required of, the board of health of 38634
a general health district. 38635

The district advisory council of the combined general health 38636
district shall consist of the members of the district advisory 38637
council of the original general health district and the chief 38638
executive of each city constituting a city health district, each 38639
member having one vote. 38640

If the contract provides that the administration of the 38641
combined district shall be taken over by a combined board of 38642
health, rather than the board of health of the original health 38643
district, the contract shall set forth the number of members of 38644
such board, their terms of office, and the manner of appointment 38645
or election of officers. One of the members of such combined board 38646
of health shall be a physician, and one member shall be an 38647
individual appointed by the health district licensing council, if 38648
such council is established under section 3709.41 of the Revised 38649
Code. The contract may also provide for the representation of 38650
areas by one or more members and shall, in such event, specify the 38651
territory to be included in each such area. 38652

The appointment of any member of the combined board who is 38653
designated by the provisions of the contract to represent a city 38654
shall be made by the chief executive and approved by the 38655
legislative authority of such city. If a member is designated by 38656
the contract to represent more than one city, the member shall be 38657
appointed by majority vote of the chief executives of all cities 38658
included in any such area. Except for the member appointed by the 38659
health district licensing council, if such council is established, 38660
the appointment of all members of the combined board who are 38661
designated to represent the balance of the district shall be made 38662
by the district advisory council. 38663

The service status of any person employed by a city or 38664
general health district shall not be affected by the creation of a 38665
combined district. 38666

Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of 38667
the Revised Code, all of the following apply: 38668

(A) Except as provided in section 3713.05 of the Revised 38669
Code, no person shall import, manufacture, renovate, wholesale, or 38670
reupholster stuffed toys or articles of bedding, or sell or offer 38671
for sale any second-hand stuffed toy or any second-hand article of 38672
bedding, in this state without first registering to do so with the 38673
superintendent of industrial compliance in accordance with section 38674
3713.05 of the Revised Code. 38675

(B) No person shall manufacture, offer for sale, sell, 38676
deliver, or possess for the purpose of manufacturing, selling, or 38677
delivering, an article of bedding or a stuffed toy that is not 38678
labeled in accordance with section 3713.08 of the Revised Code. 38679

(C) No person shall manufacture, offer for sale, sell, 38680
deliver, or possess for the purpose of manufacturing, selling, or 38681
delivering, an article of bedding or a stuffed toy that is falsely 38682
labeled. 38683

(D) No person shall sell or offer for sale any secondhand 38684
article of bedding or any secondhand stuffed toy that has not been 38685
sanitized in accordance with section 3713.08 of the Revised Code. 38686

(E) The possession of any article of bedding or stuffed toy 38687
in the course of business by a person required to obtain 38688
registration under this chapter, or by that person's agent or 38689
servant shall be prima-facie evidence of the person's intent to 38690
sell the article of bedding or stuffed toy. 38691

Sec. 3717.22. (A) The following are not retail food 38692
establishments: 38693

(1) A food service operation licensed under this chapter,	38694
including a food service operation that provides the services of a	38695
retail food establishment pursuant to an endorsement issued under	38696
section 3717.44 of the Revised Code;	38697
(2) An entity exempt under divisions (B)(1) to (9), (11) to	38698
(13), or (15) of section 3717.42 of the Revised Code from the	38699
requirement to be licensed as a food service operation and an	38700
entity exempt under division (B)(10) of that section if the entity	38701
is regulated by the department of agriculture as a food processing	38702
establishment under section 3715.021 of the Revised Code;	38703
(3) A business or that portion of a business that is	38704
regulated by the federal government or the department of	38705
agriculture as a food manufacturing or food processing business,	38706
including a business or that portion of a business regulated by	38707
the department of agriculture under Chapter 911., 913., 915.,	38708
917., 918., or 925. of the Revised Code.	38709
(B) All of the following are exempt from the requirement to	38710
be licensed as a retail food establishment:	38711
(1) An establishment with commercially prepackaged foods that	38712
are not potentially hazardous and contained in displays, the total	38713
space of which equals less than two hundred cubic feet;	38714
(2) A person at a farmers market that is registered with the	38715
director of agriculture pursuant to section 3717.221 of the	38716
Revised Code that offers for sale only one or more of the	38717
following:	38718
(a) Fresh unprocessed fruits or vegetables;	38719
(b) Products of a cottage food production operation;	38720
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter	38721
that is produced by a tree syrup or sorghum producer, beekeeper,	38722
or apple syrup or apple butter processor described in division (A)	38723

of section 3715.021 of the Revised Code; 38724

(d) Wine as authorized under section 4303.2010 of the Revised 38725
Code; 38726

(e) Commercially prepackaged food that is not potentially 38727
hazardous, on the condition that the food is contained in 38728
displays, the total space of which equals less than one hundred 38729
cubic feet on the premises where the person conducts business at 38730
the farmers market. 38731

(3) A person who offers for sale at a roadside stand only 38732
fresh fruits and fresh vegetables that are unprocessed; 38733

(4) A nonprofit organization exempt from federal income 38734
taxation under section 501(c)(3) of the "Internal Revenue Code of 38735
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 38736
funds by selling foods and that, if required to be licensed, would 38737
be classified as risk level one in accordance with rules 38738
establishing licensing categories for retail food establishments 38739
adopted under section 3717.33 of the Revised Code, if the sales 38740
occur inside a building and are for not more than seven 38741
consecutive days or more than fifty-two separate days during a 38742
licensing period. This exemption extends to any individual or 38743
group raising all of its funds during the time periods specified 38744
in division (B)(4) of this section for the benefit of the 38745
nonprofit organization by selling foods under the same conditions. 38746

(5) An establishment that offers food contained in displays 38747
of less than five hundred square feet, and if required to be 38748
licensed would be classified as risk level one pursuant to rules 38749
establishing licensing categories for retail food establishments 38750
adopted under section 3717.33 of the Revised Code, on the 38751
condition that the establishment offers the food for sale at 38752
retail not more than six months in each calendar year; 38753

(6) A cottage food production operation, on the condition 38754

that the operation offers its products directly to the consumer 38755
from the site where the products are produced; 38756

(7) A tree syrup and sorghum processor, beekeeper, or apple 38757
syrup and apple butter processor described in division (A) of 38758
section 3715.021 of the Revised Code, on the condition that the 38759
processor or beekeeper offers only tree syrup, sorghum, honey, 38760
apple syrup, or apple butter directly to the consumer from the 38761
site where those products are processed; 38762

(8) A person who annually maintains five hundred or fewer 38763
birds, on the condition that the person offers the eggs from those 38764
birds directly to the consumer from the location where the eggs 38765
are produced or at a farm product auction to which division 38766
(B)(11) of this section applies; 38767

(9) A person who annually raises and slaughters one thousand 38768
or fewer chickens, on the condition that the person offers dressed 38769
chickens directly to the consumer from the location where the 38770
chickens are raised and slaughtered or at a farm product auction 38771
to which division (B)(11) of this section applies; 38772

(10) A person who raises, slaughters, and processes the meat 38773
of nonamenable species described in divisions (A) and (B) of 38774
section 918.12 of the Revised Code, on the condition that the 38775
person offers the meat directly to the consumer from the location 38776
where the meat is processed or at a farm product auction to which 38777
division (B)(11) of this section applies; 38778

(11) A farm product auction, on the condition that it is 38779
registered with the director pursuant to section 3717.221 of the 38780
Revised Code that offers for sale at the farm product auction only 38781
one or more of the following: 38782

(a) The products described in divisions (B)(8) to (10) of 38783
this section that are produced, raised, slaughtered, or processed, 38784
as appropriate, by persons described in divisions (B)(8) to (10) 38785

of this section;	38786
(b) Fresh unprocessed fruits or vegetables;	38787
(c) Products of a cottage food production operation;	38788
(d) Tree syrup, sorghum, honey, apple syrup, or apple butter	38789
that is produced by a tree syrup or sorghum producer, beekeeper,	38790
or apple syrup or apple butter processor described in division (A)	38791
of section 3715.021 of the Revised Code.	38792
(12) An establishment that, with respect to offering food for	38793
sale, offers only alcoholic beverages or prepackaged beverages	38794
that are not potentially hazardous;	38795
(13) An establishment that, with respect to offering food for	38796
sale, offers only alcoholic beverages, prepackaged beverages that	38797
are not potentially hazardous, or commercially prepackaged food	38798
that is not potentially hazardous, on the condition that the	38799
commercially prepackaged food is contained in displays, the total	38800
space of which equals less than two hundred cubic feet on the	38801
premises of the establishment;	38802
(14) An establishment that, with respect to offering food for	38803
sale, offers only fountain beverages that are not potentially	38804
hazardous;	38805
(15) A person who offers for sale only one or more of the	38806
following foods at a festival or celebration, on the condition	38807
that the festival or celebration is organized by a political	38808
subdivision of the state and lasts for a period not longer than	38809
seven consecutive days:	38810
(a) Fresh unprocessed fruits or vegetables;	38811
(b) Products of a cottage food production operation;	38812
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter	38813
if produced by a tree syrup or sorghum processor, beekeeper, or	38814
apple syrup or apple butter processor as described in division (A)	38815

of section 3715.021 of the Revised Code;	38816
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;	38817 38818 38819 38820
(e) Fruit butter produced at the festival or celebration and sold from the production site.	38821 38822
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	38823 38824 38825 38826
(a) Fresh unprocessed fruits or vegetables;	38827
(b) Products of a cottage food production operation;	38828
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	38829 38830 38831 38832
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	38833 38834 38835 38836 38837
(e) Cider and other juices manufactured on site at the farm market;	38838 38839
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person	38840 38841 38842 38843 38844 38845

annually raises and slaughters one thousand or fewer chickens. 38846

(17)(a) An establishment to which all of the following apply: 38847

(i) The establishment has been issued an A-2 permit under 38848
section 4303.03 of the Revised Code or an A-2f permit under 38849
section 4303.031 of the Revised Code, annually produces ten 38850
thousand gallons or less of wine, and sells that wine in 38851
accordance with Chapter 4303. of the Revised Code on the premises 38852
of the establishment. 38853

(ii) The establishment serves unopened commercially 38854
prepackaged food, other than wine. 38855

(iii) The amount of the establishment's commercially 38856
prepackaged food sales, other than wine sales, for the previous 38857
calendar year did not exceed five per cent of the establishment's 38858
total gross receipts. 38859

(b) The owner or operator of the establishment shall notify 38860
the director that it is exempt from licensure because it qualifies 38861
under division (B)(17)(a) of this section. The owner or operator 38862
also shall display a notice in a place conspicuous to all of its 38863
guests informing them that the establishment is not required to be 38864
licensed as a retail food establishment. 38865

Sec. 3717.221. (A) ~~Any~~ Either of the following may register 38866
with the director of agriculture: 38867

(1) A farm market, which is a location where a producer 38868
offers fruits, vegetables, and other items for sale; 38869

(2) ~~A farmers market, which is a location where producers~~ 38870
~~congregate to offer fruits, vegetables, and other items for sale;~~ 38871

~~(3)~~ A farm product auction, which is a location where 38872
agricultural products, including food products, are offered for 38873
sale at auction. 38874

(B) The director shall inspect each farm market, ~~farmers~~ 38875
~~market,~~ and farm product auction that registers under this 38876
section. Inspections shall occur at a frequency considered 38877
appropriate by the director and shall be conducted in accordance 38878
with sanitation standards established in rules adopted under this 38879
section. 38880

(C) The director shall adopt rules in accordance with Chapter 38881
119. of the Revised Code as necessary to administer this section. 38882

Sec. 3721.02. (A) As used in this section, "residential 38883
facility" means a residential facility licensed under section 38884
5119.34 of the Revised Code that provides accommodations, 38885
supervision, and personal care services for three to sixteen 38886
unrelated adults. 38887

(B)(1) The director of health shall license homes and 38888
establish procedures to be followed in inspecting and licensing 38889
homes. The director may inspect a home at any time. ~~Each~~ The 38890
director may enter at any time, for the purposes of investigation, 38891
any institution, residence, facility, or other structure that has 38892
been reported to the director or that the director has reasonable 38893
cause to believe is operating as a nursing home, residential care 38894
facility, or home for the aging without a valid license required 38895
by section 3721.05 of the Revised Code or, in the case of a county 38896
home or district home, is operating despite the revocation of its 38897
residential care facility license. The director may delegate the 38898
director's authority and duties under this chapter to any 38899
division, bureau, agency, or official of the department of health. 38900

(2)(a) Except as provided in division (B)(2)(b) of this 38901
section, prior to the issuance of a license, each home shall be 38902
inspected by the director ~~at least once prior to the issuance of a~~ 38903
~~license and at least once every fifteen months thereafter. The~~ and 38904
the state fire marshal or a township, municipal, or other legally 38905

constituted fire department approved by the marshal ~~shall also~~ 38906
~~inspect a home prior to issuance of a license,~~ 38907

(b) The inspections set forth in division (B)(2)(a) of this 38908
section are not required prior to the issuance of a license if 38909
ownership of the home is assigned or transferred to a different 38910
person and the home was licensed under this chapter immediately 38911
prior to the assignment or transfer. 38912

(3) After issuance of a license by the director, each home 38913
shall be inspected as follows: 38914

(a) By the director at least once every fifteen months 38915
thereafter, and at any other time requested by the director. A 38916
home does not have to be inspected prior to issuance of a license 38917
by the director, state fire marshal, or a fire department if 38918
ownership of the home is assigned or transferred to a different 38919
person and the home was licensed under this chapter immediately 38920
prior to the assignment or transfer except that a home that is a 38921
residential care facility, or part of a home for the aging that is 38922
licensed as a residential care facility, may, at the discretion of 38923
the director, be inspected at least once every thirty months if 38924
all of the following apply: 38925

(i) During the two most recent consecutive inspections that 38926
occurred at least once every fifteen months, there were no 38927
substantiated violations against the residential care facility; 38928

(ii) During the time period of the inspections referred to in 38929
division (B)(4)(a) of this section, there were no substantiated 38930
violations against the residential care facility from any other 38931
inspections or from any investigations of complaints; 38932

(iii) The residential care facility does not have any 38933
outstanding violations from any previous inspections or 38934
investigations. 38935

(b) By the state fire marshal or a township, municipal, or 38936

other legally constituted fire department approved by the marshal 38937
at least once every fifteen months. 38938

(4) A nursing home does not need to be inspected before the 38939
director increases the nursing home's licensed capacity if the 38940
beds being added to the nursing home are placed in resident rooms 38941
that were inspected, as part of the most recent previous 38942
inspection of the nursing home, for the same number of residents 38943
proposed to be placed in a room after the capacity increase. The 38944
director may enter at any time, for the purposes of investigation, 38945
any institution, residence, facility, or other structure that has 38946
been reported to the director or that the director has reasonable 38947
cause to believe is operating as a nursing home, residential care 38948
facility, or home for the aging without a valid license required 38949
by section 3721.05 of the Revised Code or, in the case of a county 38950
home or district home, is operating despite the revocation of its 38951
residential care facility license. The director may delegate the 38952
director's authority and duties under this chapter to any 38953
division, bureau, agency, or official of the department of health. 38954

(2)(5)(a) If, prior to issuance of a license, a home The 38955
inspection procedures established under division (B) of this 38956
section shall include a process for conducting expedited licensing 38957
inspections. An expedited licensing inspection may be requested by 38958
an applicant seeking a license for a new home or, in the case of 38959
an existing home that is licensed as a residential care facility, 38960
an applicant seeking approval to increase or decrease the 38961
facility's licensed capacity or to make any other change for which 38962
the director requires a licensing inspection to be conducted. 38963

If an applicant submits a request for an expedited licensing 38964
inspection and the request is submitted in a manner and form 38965
approved by the director, the director shall commence ~~an~~the 38966
inspection of the home not later than ten business days after 38967
receiving the request. 38968

Any rules adopted by the director pursuant to section 3721.04 38969
of the Revised Code to implement the requirements described in 38970
division (B)(5)(a) of this section are not subject to the 38971
requirements of division (F) of section 121.95 of the Revised 38972
Code. 38973

~~(b) On request, submitted in a manner and form approved by~~ 38974
~~the director, the director may review plans for a building that is~~ 38975
~~to be used as a home for compliance with applicable state and~~ 38976
~~local building and safety codes.~~ 38977

~~(e) The director may charge a fee for an expedited licensing~~ 38978
~~inspection or a plan review that is adequate to cover the expense~~ 38979
~~of expediting the inspection or reviewing the plans. The fee shall~~ 38980
~~be deposited in the state treasury to the credit of the general~~ 38981
~~operations fund created in section 3701.83 of the Revised Code and~~ 38982
~~used solely for expediting inspections and reviewing plans.~~ 38983

(C) A single facility may be licensed both as a nursing home 38984
pursuant to this chapter and as a residential facility pursuant to 38985
section 5119.34 of the Revised Code if the director determines 38986
that the part or unit to be licensed as a nursing home can be 38987
maintained separate and discrete from the part or unit to be 38988
licensed as a residential facility. 38989

(D) In determining the number of residents in a home for the 38990
purpose of licensing, the director shall consider all the 38991
individuals for whom the home provides accommodations as one group 38992
unless one of the following is the case: 38993

(1) The home is a home for the aging, in which case all the 38994
individuals in the part or unit licensed as a nursing home shall 38995
be considered as one group, and all the individuals in the part or 38996
unit licensed as a ~~rest home~~ residential care facility shall be 38997
considered as another group. 38998

(2) The home is both a nursing home and a residential 38999

facility. In that case, all the individuals in the part or unit 39000
licensed as a nursing home shall be considered as one group, and 39001
all the individuals in the part or unit licensed as an ~~adult care~~ 39002
residential facility shall be considered as another group. 39003

(3) The home maintains, in addition to a nursing home or 39004
residential care facility, a separate and discrete part or unit 39005
that provides accommodations to individuals who do not require or 39006
receive skilled nursing care and do not receive personal care 39007
services from the home, in which case the individuals in the 39008
separate and discrete part or unit shall not be considered in 39009
determining the number of residents in the home if the separate 39010
and discrete part or unit is in compliance with the Ohio basic 39011
building code established by the board of building standards under 39012
Chapters 3781. and 3791. of the Revised Code and the home permits 39013
the director, on request, to inspect the separate and discrete 39014
part or unit and speak with the individuals residing there, if 39015
they consent, to determine whether the separate and discrete part 39016
or unit meets the requirements of this division. 39017

(E)(1) The director of health shall charge the following 39018
application fee and annual renewal licensing and inspection fee 39019
for each fifty persons or part thereof of a home's licensed 39020
capacity: 39021

(a) For state fiscal year 2010, two hundred twenty dollars; 39022

(b) For state fiscal year 2011, two hundred seventy dollars; 39023

(c) For each state fiscal year thereafter, three hundred 39024
twenty dollars. 39025

(2) All fees collected by the director for the issuance or 39026
renewal of licenses shall be deposited into the state treasury to 39027
the credit of the general operations fund created in section 39028
3701.83 of the Revised Code for use only in administering and 39029
enforcing this chapter and rules adopted under it. 39030

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in either of the following:

(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all of the following:

(i) The date the inspection or investigation was conducted;

(ii) A statement that the director of health inspects all homes at least once every fifteen months or, if applicable under this section, at least once every thirty months;

(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;

(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;

(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;

(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.

(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.081. (A) Notwithstanding any action the director of health may take under section 3721.08 of the Revised Code, if the director determines immediate action is necessary to protect resident health or safety because a home has neglected or refused to act with sufficient promptness or efficiency to protect resident health or safety, the director may do either or both of the following before a home is provided notice and an opportunity for a hearing under Chapter 119. of the Revised Code:

(1) Issue orders, including specifying actions that a home must take immediately to address resident health and safety;

(2) Take direct action to protect resident health or safety if the home fails to act on an order issued pursuant to division (A)(1) of this section.

(B)(1) Subject to divisions (B)(2) and (3) of this section, orders that may be issued and direct action that may be taken under this section include all of the following:

(a) Removing a threat to resident health or safety;

(b) Transferring residents to another home or appropriate

<u>care setting until a threat to resident health or safety is</u>	39092
<u>resolved;</u>	39093
<u>(c) Appointing a temporary administrator for a home for the</u>	39094
<u>duration of an order;</u>	39095
<u>(d) Issuing any other order or taking any other action as</u>	39096
<u>necessary to protect the health or safety of residents of a home.</u>	39097
<u>(2) The director shall not enter a home pursuant to this</u>	39098
<u>section unless the director provides the operator with notice at</u>	39099
<u>least twenty-four hours in advance.</u>	39100
<u>(3) The director's authority to transfer residents under this</u>	39101
<u>section is subject to both of the following:</u>	39102
<u>(a) If the reason for the transfer is due to an environmental</u>	39103
<u>condition affecting the home, the director may transfer only those</u>	39104
<u>residents directly affected by the environmental condition.</u>	39105
<u>(b) If the reason for the transfer is due to a clinical</u>	39106
<u>condition that affects the entire home, the director may transfer</u>	39107
<u>all residents for the lesser of thirty calendar days or until the</u>	39108
<u>date that the condition is no longer affecting the home. If the</u>	39109
<u>condition persists longer than thirty calendar days, the director</u>	39110
<u>shall provide the home a notice regarding the reason for</u>	39111
<u>determining that the condition is still affecting the home. The</u>	39112
<u>home may request a hearing regarding the notice in accordance with</u>	39113
<u>this section.</u>	39114
<u>(C) Any expenses incurred by a home to comply with an order</u>	39115
<u>issued under this section shall be borne by the home.</u>	39116
<u>If a hearing is conducted in accordance with this section and</u>	39117
<u>the director is found to have acted in violation of this section,</u>	39118
<u>all reasonable expenses incurred by the home as a result of the</u>	39119
<u>director's action shall be reimbursed to the home by the</u>	39120
<u>department of health within ninety days after the date that the</u>	39121

final adjudication order is issued. 39122

(D) If a home fails to comply with an order issued under this section, the director shall issue an order imposing a fine of not more than one hundred thousand dollars for each instance of noncompliance. Any fine imposed shall be reasonably commensurate to the harm caused by the home, and the home may request a hearing as to the fine's reasonableness in accordance with this section. 39123
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(E) All fines collected under this section shall be deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. 39129
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(F) A home subject to an order or action under this section may request a hearing under Chapter 119. of the Revised Code. The request must be received by the director within fifteen days after the notice of the order was mailed. If the home timely requests a hearing, the date set for the hearing shall be within ten days after the home requested the hearing, unless otherwise agreed to by both the director and the home. 39132
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An order issued under this section shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order not later than thirty days after completion of the hearing. 39139
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A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code. 39145
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Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state: 39147
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(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management 39149
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fund created in section 3734.18 of the Revised Code and seventy 39152
cents of the proceeds of which shall be deposited in the state 39153
treasury to the credit of the hazardous waste clean-up fund 39154
created in section 3734.28 of the Revised Code; 39155

(2) An additional seventy-five cents per ton through June 30, 39156
~~2022~~2024, the proceeds of which shall be deposited in the state 39157
treasury to the credit of the waste management fund created in 39158
section 3734.061 of the Revised Code. 39159

(3) An additional two dollars and eighty-five cents per ton 39160
through June 30, ~~2022~~2024, the proceeds of which shall be 39161
deposited in the state treasury to the credit of the environmental 39162
protection fund created in section 3745.015 of the Revised Code; 39163

(4) An additional twenty-five cents per ton through June 30, 39164
~~2022~~2024, the proceeds of which shall be deposited in the state 39165
treasury to the credit of the soil and water conservation district 39166
assistance fund created in section 940.15 of the Revised Code. 39167

In the case of solid wastes that are taken to a solid waste 39168
transfer facility located in this state prior to being transported 39169
for disposal at a solid waste disposal facility located in this 39170
state or outside of this state, the fees levied under this 39171
division shall be collected by the owner or operator of the 39172
transfer facility as a trustee for the state. The amount of fees 39173
required to be collected under this division at such a transfer 39174
facility shall equal the total tonnage of solid wastes received at 39175
the facility multiplied by the fees levied under this division. In 39176
the case of solid wastes that are not taken to a solid waste 39177
transfer facility located in this state prior to being transported 39178
to a solid waste disposal facility, the fees shall be collected by 39179
the owner or operator of the solid waste disposal facility as a 39180
trustee for the state. The amount of fees required to be collected 39181
under this division at such a disposal facility shall equal the 39182
total tonnage of solid wastes received at the facility that was 39183

not previously taken to a solid waste transfer facility located in 39184
this state multiplied by the fees levied under this division. Fees 39185
levied under this division do not apply to materials separated 39186
from a mixed waste stream for recycling by a generator or 39187
materials removed from the solid waste stream through recycling, 39188
as "recycling" is defined in rules adopted under section 3734.02 39189
of the Revised Code. 39190

The owner or operator of a solid waste transfer facility or 39191
disposal facility, as applicable, shall prepare and file with the 39192
director of environmental protection each month a return 39193
indicating the total tonnage of solid wastes received at the 39194
facility during that month and the total amount of the fees 39195
required to be collected under this division during that month. In 39196
addition, the owner or operator of a solid waste disposal facility 39197
shall indicate on the return the total tonnage of solid wastes 39198
received from transfer facilities located in this state during 39199
that month for which the fees were required to be collected by the 39200
transfer facilities. The monthly returns shall be filed on a form 39201
prescribed by the director. Not later than thirty days after the 39202
last day of the month to which a return applies, the owner or 39203
operator shall mail to the director the return for that month 39204
together with the fees required to be collected under this 39205
division during that month as indicated on the return or may 39206
submit the return and fees electronically in a manner approved by 39207
the director. If the return is filed and the amount of the fees 39208
due is paid in a timely manner as required in this division, the 39209
owner or operator may retain a discount of three-fourths of one 39210
per cent of the total amount of the fees that are required to be 39211
paid as indicated on the return. 39212

The owner or operator may request an extension of not more 39213
than thirty days for filing the return and remitting the fees, 39214
provided that the owner or operator has submitted such a request 39215

in writing to the director together with a detailed description of 39216
why the extension is requested, the director has received the 39217
request not later than the day on which the return is required to 39218
be filed, and the director has approved the request. If the fees 39219
are not remitted within thirty days after the last day of the 39220
month to which the return applies or are not remitted by the last 39221
day of an extension approved by the director, the owner or 39222
operator shall not retain the three-fourths of one per cent 39223
discount and shall pay an additional ten per cent of the amount of 39224
the fees for each month that they are late. For purposes of 39225
calculating the late fee, the first month in which fees are late 39226
begins on the first day after the deadline has passed for timely 39227
submitting the return and fees, and one additional month shall be 39228
counted every thirty days thereafter. 39229

The owner or operator of a solid waste facility may request a 39230
refund or credit of fees levied under this division and remitted 39231
to the director that have not been paid to the owner or operator. 39232
Such a request shall be made only if the fees have not been 39233
collected by the owner or operator, have become a debt that has 39234
become worthless or uncollectable for a period of six months or 39235
more, and may be claimed as a deduction, including a deduction 39236
claimed if the owner or operator keeps accounts on an accrual 39237
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 39238
U.S.C. 166, as amended, and regulations adopted under it. Prior to 39239
making a request for a refund or credit, an owner or operator 39240
shall make reasonable efforts to collect the applicable fees. A 39241
request for a refund or credit shall not include any costs 39242
resulting from those efforts to collect unpaid fees. 39243

A request for a refund or credit of fees shall be made in 39244
writing, on a form prescribed by the director, and shall be 39245
supported by evidence that may be required in rules adopted by the 39246
director under this chapter. After reviewing the request, and if 39247

the request and evidence submitted with the request indicate that 39248
a refund or credit is warranted, the director shall grant a refund 39249
to the owner or operator or shall permit a credit to be taken by 39250
the owner or operator on a subsequent monthly return submitted by 39251
the owner or operator. The amount of a refund or credit shall not 39252
exceed an amount that is equal to ninety days' worth of fees owed 39253
to an owner or operator by a particular debtor of the owner or 39254
operator. A refund or credit shall not be granted by the director 39255
to an owner or operator more than once in any twelve-month period 39256
for fees owed to the owner or operator by a particular debtor. 39257

If, after receiving a refund or credit from the director, an 39258
owner or operator receives payment of all or part of the fees, the 39259
owner or operator shall remit the fees with the next monthly 39260
return submitted to the director together with a written 39261
explanation of the reason for the submittal. 39262

For purposes of computing the fees levied under this division 39263
or division (B) of this section, any solid waste transfer or 39264
disposal facility that does not use scales as a means of 39265
determining gate receipts shall use a conversion factor of three 39266
cubic yards per ton of solid waste or one cubic yard per ton for 39267
baled waste, as applicable. 39268

The fees levied under this division and divisions (B) and (C) 39269
of this section are in addition to all other applicable fees and 39270
taxes and shall be paid by the customer or a political subdivision 39271
to the owner or operator of a solid waste transfer or disposal 39272
facility. In the alternative, the fees shall be paid by a customer 39273
or political subdivision to a transporter of waste who 39274
subsequently transfers the fees to the owner or operator of such a 39275
facility. The fees shall be paid notwithstanding the existence of 39276
any provision in a contract that the customer or a political 39277
subdivision may have with the owner or operator or with a 39278
transporter of waste to the facility that would not require or 39279

allow such payment regardless of whether the contract was entered 39280
prior to or after October 16, 2009. For those purposes, "customer" 39281
means a person who contracts with, or utilizes the solid waste 39282
services of, the owner or operator of a solid waste transfer or 39283
disposal facility or a transporter of solid waste to such a 39284
facility. 39285

(B) For the purposes specified in division (G) of this 39286
section, the solid waste management policy committee of a county 39287
or joint solid waste management district may levy fees upon the 39288
following activities: 39289

(1) The disposal at a solid waste disposal facility located 39290
in the district of solid wastes generated within the district; 39291

(2) The disposal at a solid waste disposal facility within 39292
the district of solid wastes generated outside the boundaries of 39293
the district, but inside this state; 39294

(3) The disposal at a solid waste disposal facility within 39295
the district of solid wastes generated outside the boundaries of 39296
this state. 39297

The solid waste management plan of the county or joint 39298
district approved under section 3734.521 or 3734.55 of the Revised 39299
Code and any amendments to it, or the resolution adopted under 39300
this division, as appropriate, shall establish the rates of the 39301
fees levied under divisions (B)(1), (2), and (3) of this section, 39302
if any, and shall specify whether the fees are levied on the basis 39303
of tons or cubic yards as the unit of measurement. A solid waste 39304
management district that levies fees under this division on the 39305
basis of cubic yards shall do so in accordance with division (A) 39306
of this section. 39307

The fee levied under division (B)(1) of this section shall be 39308
not less than one dollar per ton nor more than two dollars per 39309
ton, the fee levied under division (B)(2) of this section shall be 39310

not less than two dollars per ton nor more than four dollars per 39311
ton, and the fee levied under division (B)(3) of this section 39312
shall be not more than the fee levied under division (B)(1) of 39313
this section. 39314

Prior to the approval of the solid waste management plan of a 39315
district under section 3734.55 of the Revised Code, the solid 39316
waste management policy committee of a district may levy fees 39317
under this division by adopting a resolution establishing the 39318
proposed amount of the fees. Upon adopting the resolution, the 39319
committee shall deliver a copy of the resolution to the board of 39320
county commissioners of each county forming the district and to 39321
the legislative authority of each municipal corporation and 39322
township under the jurisdiction of the district and shall prepare 39323
and publish the resolution and a notice of the time and location 39324
where a public hearing on the fees will be held. Upon adopting the 39325
resolution, the committee shall deliver written notice of the 39326
adoption of the resolution; of the amount of the proposed fees; 39327
and of the date, time, and location of the public hearing to the 39328
director and to the fifty industrial, commercial, or institutional 39329
generators of solid wastes within the district that generate the 39330
largest quantities of solid wastes, as determined by the 39331
committee, and to their local trade associations. The committee 39332
shall make good faith efforts to identify those generators within 39333
the district and their local trade associations, but the 39334
nonprovision of notice under this division to a particular 39335
generator or local trade association does not invalidate the 39336
proceedings under this division. The publication shall occur at 39337
least thirty days before the hearing. After the hearing, the 39338
committee may make such revisions to the proposed fees as it 39339
considers appropriate and thereafter, by resolution, shall adopt 39340
the revised fee schedule. Upon adopting the revised fee schedule, 39341
the committee shall deliver a copy of the resolution doing so to 39342
the board of county commissioners of each county forming the 39343

district and to the legislative authority of each municipal 39344
corporation and township under the jurisdiction of the district. 39345
Within sixty days after the delivery of a copy of the resolution 39346
adopting the proposed revised fees by the policy committee, each 39347
such board and legislative authority, by ordinance or resolution, 39348
shall approve or disapprove the revised fees and deliver a copy of 39349
the ordinance or resolution to the committee. If any such board or 39350
legislative authority fails to adopt and deliver to the policy 39351
committee an ordinance or resolution approving or disapproving the 39352
revised fees within sixty days after the policy committee 39353
delivered its resolution adopting the proposed revised fees, it 39354
shall be conclusively presumed that the board or legislative 39355
authority has approved the proposed revised fees. The committee 39356
shall determine if the resolution has been ratified in the same 39357
manner in which it determines if a draft solid waste management 39358
plan has been ratified under division (B) of section 3734.55 of 39359
the Revised Code. 39360

The committee may amend the schedule of fees levied pursuant 39361
to a resolution adopted and ratified under this division by 39362
adopting a resolution establishing the proposed amount of the 39363
amended fees. The committee may repeal the fees levied pursuant to 39364
such a resolution by adopting a resolution proposing to repeal 39365
them. Upon adopting such a resolution, the committee shall proceed 39366
to obtain ratification of the resolution in accordance with this 39367
division. 39368

Not later than fourteen days after declaring the new fees to 39369
be ratified or the fees to be repealed under this division, the 39370
committee shall notify by certified mail the owner or operator of 39371
each solid waste disposal facility that is required to collect the 39372
fees of the ratification and the amount of the fees or of the 39373
repeal of the fees. Collection of any fees shall commence or 39374
collection of repealed fees shall cease on the first day of the 39375

second month following the month in which notification is sent to 39376
the owner or operator. 39377

Fees levied under this division also may be established, 39378
amended, or repealed by a solid waste management policy committee 39379
through the adoption of a new district solid waste management 39380
plan, the adoption of an amended plan, or the amendment of the 39381
plan or amended plan in accordance with sections 3734.55 and 39382
3734.56 of the Revised Code or the adoption or amendment of a 39383
district plan in connection with a change in district composition 39384
under section 3734.521 of the Revised Code. 39385

Not later than fourteen days after the director issues an 39386
order approving a district's solid waste management plan, amended 39387
plan, or amendment to a plan or amended plan that establishes, 39388
amends, or repeals a schedule of fees levied by the district, the 39389
committee shall notify by certified mail the owner or operator of 39390
each solid waste disposal facility that is required to collect the 39391
fees of the approval of the plan or amended plan, or the amendment 39392
to the plan, as appropriate, and the amount of the fees, if any. 39393
In the case of an initial or amended plan approved under section 39394
3734.521 of the Revised Code in connection with a change in 39395
district composition, other than one involving the withdrawal of a 39396
county from a joint district, the committee, within fourteen days 39397
after the change takes effect pursuant to division (G) of that 39398
section, shall notify by certified mail the owner or operator of 39399
each solid waste disposal facility that is required to collect the 39400
fees that the change has taken effect and of the amount of the 39401
fees, if any. Collection of any fees shall commence or collection 39402
of repealed fees shall cease on the first day of the second month 39403
following the month in which notification is sent to the owner or 39404
operator. 39405

If, in the case of a change in district composition involving 39406
the withdrawal of a county from a joint district, the director 39407

completes the actions required under division (G)(1) or (3) of 39408
section 3734.521 of the Revised Code, as appropriate, forty-five 39409
days or more before the beginning of a calendar year, the policy 39410
committee of each of the districts resulting from the change that 39411
obtained the director's approval of an initial or amended plan in 39412
connection with the change, within fourteen days after the 39413
director's completion of the required actions, shall notify by 39414
certified mail the owner or operator of each solid waste disposal 39415
facility that is required to collect the district's fees that the 39416
change is to take effect on the first day of January immediately 39417
following the issuance of the notice and of the amount of the fees 39418
or amended fees levied under divisions (B)(1) to (3) of this 39419
section pursuant to the district's initial or amended plan as so 39420
approved or, if appropriate, the repeal of the district's fees by 39421
that initial or amended plan. Collection of any fees set forth in 39422
such a plan or amended plan shall commence on the first day of 39423
January immediately following the issuance of the notice. If such 39424
an initial or amended plan repeals a schedule of fees, collection 39425
of the fees shall cease on that first day of January. 39426

If, in the case of a change in district composition involving 39427
the withdrawal of a county from a joint district, the director 39428
completes the actions required under division (G)(1) or (3) of 39429
section 3734.521 of the Revised Code, as appropriate, less than 39430
forty-five days before the beginning of a calendar year, the 39431
director, on behalf of each of the districts resulting from the 39432
change that obtained the director's approval of an initial or 39433
amended plan in connection with the change proceedings, shall 39434
notify by certified mail the owner or operator of each solid waste 39435
disposal facility that is required to collect the district's fees 39436
that the change is to take effect on the first day of January 39437
immediately following the mailing of the notice and of the amount 39438
of the fees or amended fees levied under divisions (B)(1) to (3) 39439
of this section pursuant to the district's initial or amended plan 39440

as so approved or, if appropriate, the repeal of the district's 39441
fees by that initial or amended plan. Collection of any fees set 39442
forth in such a plan or amended plan shall commence on the first 39443
day of the second month following the month in which notification 39444
is sent to the owner or operator. If such an initial or amended 39445
plan repeals a schedule of fees, collection of the fees shall 39446
cease on the first day of the second month following the month in 39447
which notification is sent to the owner or operator. 39448

If the schedule of fees that a solid waste management 39449
district is levying under divisions (B)(1) to (3) of this section 39450
is amended or repealed, the fees in effect immediately prior to 39451
the amendment or repeal shall continue to be collected until 39452
collection of the amended fees commences or collection of the 39453
repealed fees ceases, as applicable, as specified in this 39454
division. In the case of a change in district composition, money 39455
so received from the collection of the fees of the former 39456
districts shall be divided among the resulting districts in 39457
accordance with division (B) of section 343.012 of the Revised 39458
Code and the agreements entered into under division (B) of section 39459
343.01 of the Revised Code to establish the former and resulting 39460
districts and any amendments to those agreements. 39461

For the purposes of the provisions of division (B) of this 39462
section establishing the times when newly established or amended 39463
fees levied by a district are required to commence and the 39464
collection of fees that have been amended or repealed is required 39465
to cease, "fees" or "schedule of fees" includes, in addition to 39466
fees levied under divisions (B)(1) to (3) of this section, those 39467
levied under section 3734.573 or 3734.574 of the Revised Code. 39468

(C) For the purposes of defraying the added costs to a 39469
municipal corporation or township of maintaining roads and other 39470
public facilities and of providing emergency and other public 39471
services, and compensating a municipal corporation or township for 39472

reductions in real property tax revenues due to reductions in real 39473
property valuations resulting from the location and operation of a 39474
solid waste disposal facility within the municipal corporation or 39475
township, a municipal corporation or township in which such a 39476
solid waste disposal facility is located may levy a fee of not 39477
more than twenty-five cents per ton on the disposal of solid 39478
wastes at a solid waste disposal facility located within the 39479
boundaries of the municipal corporation or township regardless of 39480
where the wastes were generated. 39481

The legislative authority of a municipal corporation or 39482
township may levy fees under this division by enacting an 39483
ordinance or adopting a resolution establishing the amount of the 39484
fees. Upon so doing the legislative authority shall mail a 39485
certified copy of the ordinance or resolution to the board of 39486
county commissioners or directors of the county or joint solid 39487
waste management district in which the municipal corporation or 39488
township is located or, if a regional solid waste management 39489
authority has been formed under section 343.011 of the Revised 39490
Code, to the board of trustees of that regional authority, the 39491
owner or operator of each solid waste disposal facility in the 39492
municipal corporation or township that is required to collect the 39493
fee by the ordinance or resolution, and the director of 39494
environmental protection. Although the fees levied under this 39495
division are levied on the basis of tons as the unit of 39496
measurement, the legislative authority, in its ordinance or 39497
resolution levying the fees under this division, may direct that 39498
the fees be levied on the basis of cubic yards as the unit of 39499
measurement based upon a conversion factor of three cubic yards 39500
per ton generally or one cubic yard per ton for baled wastes. 39501

Not later than five days after enacting an ordinance or 39502
adopting a resolution under this division, the legislative 39503
authority shall so notify by certified mail the owner or operator 39504

of each solid waste disposal facility that is required to collect 39505
the fee. Collection of any fee levied on or after March 24, 1992, 39506
shall commence on the first day of the second month following the 39507
month in which notification is sent to the owner or operator. 39508

(D)(1) The fees levied under divisions (A), (B), and (C) of 39509
this section do not apply to the disposal of solid wastes that: 39510

(a) Are disposed of at a facility owned by the generator of 39511
the wastes when the solid waste facility exclusively disposes of 39512
solid wastes generated at one or more premises owned by the 39513
generator regardless of whether the facility is located on a 39514
premises where the wastes are generated; 39515

(b) Are generated from the combustion of coal, or from the 39516
combustion of primarily coal, regardless of whether the disposal 39517
facility is located on the premises where the wastes are 39518
generated; 39519

(c) Are asbestos or asbestos-containing materials or products 39520
disposed of at a construction and demolition debris facility that 39521
is licensed under Chapter 3714. of the Revised Code or at a solid 39522
waste facility that is licensed under this chapter. 39523

(2) Except as provided in section 3734.571 of the Revised 39524
Code, any fees levied under division (B)(1) of this section apply 39525
to solid wastes originating outside the boundaries of a county or 39526
joint district that are covered by an agreement for the joint use 39527
of solid waste facilities entered into under section 343.02 of the 39528
Revised Code by the board of county commissioners or board of 39529
directors of the county or joint district where the wastes are 39530
generated and disposed of. 39531

(3) When solid wastes, other than solid wastes that consist 39532
of scrap tires, are burned in a disposal facility that is an 39533
incinerator or energy recovery facility, the fees levied under 39534
divisions (A), (B), and (C) of this section shall be levied upon 39535

the disposal of the fly ash and bottom ash remaining after burning 39536
of the solid wastes and shall be collected by the owner or 39537
operator of the sanitary landfill where the ash is disposed of. 39538

(4) When solid wastes are delivered to a solid waste transfer 39539
facility, the fees levied under divisions (B) and (C) of this 39540
section shall be levied upon the disposal of solid wastes 39541
transported off the premises of the transfer facility for disposal 39542
and shall be collected by the owner or operator of the solid waste 39543
disposal facility where the wastes are disposed of. 39544

(5) The fees levied under divisions (A), (B), and (C) of this 39545
section do not apply to sewage sludge that is generated by a waste 39546
water treatment facility holding a national pollutant discharge 39547
elimination system permit and that is disposed of through 39548
incineration, land application, or composting or at another 39549
resource recovery or disposal facility that is not a landfill. 39550

(6) The fees levied under divisions (A), (B), and (C) of this 39551
section do not apply to solid wastes delivered to a solid waste 39552
composting facility for processing. When any unprocessed solid 39553
waste or compost product is transported off the premises of a 39554
composting facility and disposed of at a landfill, the fees levied 39555
under divisions (A), (B), and (C) of this section shall be 39556
collected by the owner or operator of the landfill where the 39557
unprocessed waste or compost product is disposed of. 39558

(7) When solid wastes that consist of scrap tires are 39559
processed at a scrap tire recovery facility, the fees levied under 39560
divisions (A), (B), and (C) of this section shall be levied upon 39561
the disposal of the fly ash and bottom ash or other solid wastes 39562
remaining after the processing of the scrap tires and shall be 39563
collected by the owner or operator of the solid waste disposal 39564
facility where the ash or other solid wastes are disposed of. 39565

(8) The director of environmental protection may issue an 39566

order exempting from the fees levied under this section solid 39567
wastes, including, but not limited to, scrap tires, that are 39568
generated, transferred, or disposed of as a result of a contract 39569
providing for the expenditure of public funds entered into by the 39570
administrator or regional administrator of the United States 39571
environmental protection agency, the director of environmental 39572
protection, or the director of administrative services on behalf 39573
of the director of environmental protection for the purpose of 39574
remediating conditions at a hazardous waste facility, solid waste 39575
facility, or other location at which the administrator or regional 39576
administrator or the director of environmental protection has 39577
reason to believe that there is a substantial threat to public 39578
health or safety or the environment or that the conditions are 39579
causing or contributing to air or water pollution or soil 39580
contamination. An order issued by the director of environmental 39581
protection under division (D)(8) of this section shall include a 39582
determination that the amount of the fees not received by a solid 39583
waste management district as a result of the order will not 39584
adversely impact the implementation and financing of the 39585
district's approved solid waste management plan and any approved 39586
amendments to the plan. Such an order is a final action of the 39587
director of environmental protection. 39588

(E) The fees levied under divisions (B) and (C) of this 39589
section shall be collected by the owner or operator of the solid 39590
waste disposal facility where the wastes are disposed of as a 39591
trustee for the county or joint district and municipal corporation 39592
or township where the wastes are disposed of. Moneys from the fees 39593
levied under division (B) of this section shall be forwarded to 39594
the board of county commissioners or board of directors of the 39595
district in accordance with rules adopted under division (H) of 39596
this section. Moneys from the fees levied under division (C) of 39597
this section shall be forwarded to the treasurer or such other 39598
officer of the municipal corporation as, by virtue of the charter, 39599

has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the

district under section 3734.54 of the Revised Code, monitoring 39632
implementation of the plan, and conducting the periodic review and 39633
amendment of the plan required by section 3734.56 of the Revised 39634
Code by the solid waste management policy committee; 39635

(2) Implementation of the approved solid waste management 39636
plan or amended plan of the district, including, without 39637
limitation, the development and implementation of solid waste 39638
recycling or reduction programs; 39639

(3) Providing financial assistance to boards of health within 39640
the district, if solid waste facilities are located within the 39641
district, for enforcement of this chapter and rules, orders, and 39642
terms and conditions of permits, licenses, and variances adopted 39643
or issued under it, other than the hazardous waste provisions of 39644
this chapter and rules adopted and orders and terms and conditions 39645
of permits issued under those provisions; 39646

(4) Providing financial assistance to each county within the 39647
district to defray the added costs of maintaining roads and other 39648
public facilities and of providing emergency and other public 39649
services resulting from the location and operation of a solid 39650
waste facility within the county under the district's approved 39651
solid waste management plan or amended plan; 39652

(5) Pursuant to contracts entered into with boards of health 39653
within the district, if solid waste facilities contained in the 39654
district's approved plan or amended plan are located within the 39655
district, for paying the costs incurred by those boards of health 39656
for collecting and analyzing samples from public or private water 39657
wells on lands adjacent to those facilities; 39658

(6) Developing and implementing a program for the inspection 39659
of solid wastes generated outside the boundaries of this state 39660
that are disposed of at solid waste facilities included in the 39661
district's approved solid waste management plan or amended plan; 39662

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys

for administrative costs incurred. 39695

Prior to the approval of the district's solid waste 39696
management plan under section 3734.55 of the Revised Code, moneys 39697
in the special fund of the district arising from the fees shall be 39698
expended for those purposes in the manner prescribed by the solid 39699
waste management policy committee by resolution. 39700

Notwithstanding division (G)(6) of this section as it existed 39701
prior to October 29, 1993, or any provision in a district's solid 39702
waste management plan prepared in accordance with division 39703
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 39704
prior to that date, any moneys arising from the fees levied under 39705
division (B)(3) of this section prior to January 1, 1994, may be 39706
expended for any of the purposes authorized in divisions (G)(1) to 39707
(10) of this section. 39708

(H) The director shall adopt rules in accordance with Chapter 39709
119. of the Revised Code prescribing procedures for collecting and 39710
forwarding the fees levied under divisions (B) and (C) of this 39711
section to the boards of county commissioners or directors of 39712
county or joint solid waste management districts and to the 39713
treasurers or other officers of municipal corporations and the 39714
fiscal officers of townships. The rules also shall prescribe the 39715
dates for forwarding the fees to the boards and officials and may 39716
prescribe any other requirements the director considers necessary 39717
or appropriate to implement and administer divisions (A), (B), and 39718
(C) of this section. 39719

Sec. 3734.85. (A) On and after the effective date of the 39720
rules adopted under sections 3734.70, 3734.71, 3734.72, and 39721
3734.73 of the Revised Code, the director of environmental 39722
protection may take action under this section to abate 39723
accumulations of scrap tires. If the director determines that an 39724
accumulation of scrap tires constitutes a danger to the public 39725

health or safety or to the environment, the director shall issue 39726
an order under section 3734.13 of the Revised Code to the person 39727
responsible for the accumulation of scrap tires directing that 39728
person, within one hundred twenty days after the issuance of the 39729
order, to remove the accumulation of scrap tires from the premises 39730
on which it is located and transport the tires to a scrap tire 39731
storage, monocell, monofill, or recovery facility licensed under 39732
section 3734.81 of the Revised Code, to such a facility in another 39733
state operating in compliance with the laws of the state in which 39734
it is located, or to any other solid waste disposal facility in 39735
another state that is operating in compliance with the laws of 39736
that state. If the person responsible for causing the accumulation 39737
of scrap tires is a person different from the owner of the land on 39738
which the accumulation is located, the director may issue such an 39739
order to the landowner. 39740

If the director is unable to ascertain immediately the 39741
identity of the person responsible for causing the accumulation of 39742
scrap tires, the director shall examine the records of the 39743
applicable board of health and law enforcement agencies to 39744
ascertain that person's identity. Before initiating any 39745
enforcement or removal actions under this division against the 39746
owner of the land on which the accumulation is located, the 39747
director shall initiate any such actions against the person that 39748
the director has identified as responsible for causing the 39749
accumulation of scrap tires. Failure of the director to make 39750
diligent efforts to ascertain the identity of the person 39751
responsible for causing the accumulation of scrap tires or to 39752
initiate an action against the person responsible for causing the 39753
accumulation shall not constitute an affirmative defense by a 39754
landowner to an enforcement action initiated by the director under 39755
this division requiring immediate removal of any accumulation of 39756
scrap tires. 39757

Upon the written request of the recipient of an order issued 39758
under this division, the director may extend the time for 39759
compliance with the order if the request demonstrates that the 39760
recipient has acted in good faith to comply with the order. If the 39761
recipient of an order issued under this division fails to comply 39762
with the order within one hundred twenty days after the issuance 39763
of the order or, if the time for compliance with the order was so 39764
extended, within that time, the director shall take such actions 39765
as the director considers reasonable and necessary to remove and 39766
properly manage the scrap tires located on the land named in the 39767
order. The director, through employees of the environmental 39768
protection agency or a contractor, may enter upon the land on 39769
which the accumulation of scrap tires is located and remove and 39770
transport them to a scrap tire recovery facility for processing, 39771
to a scrap tire storage facility for storage, or to a scrap tire 39772
monocell or monofill facility for storage or disposal. 39773

The director shall enter into contracts for the storage, 39774
disposal, or processing of scrap tires removed through removal 39775
operations conducted under this section. 39776

If a person to whom a removal order is issued under this 39777
division fails to comply with the order and if the director 39778
performs a removal action under this section, the person to whom 39779
the removal order is issued is liable to the director for the 39780
costs incurred by the director for conducting the removal 39781
operation, storage at a scrap tire storage facility, storage or 39782
disposal at a scrap tire monocell or monofill facility, or 39783
processing of the scrap tires so removed, the transportation of 39784
the scrap tires from the site of the accumulation to the scrap 39785
tire storage, monocell, monofill, or recovery facility where the 39786
scrap tires were stored, disposed of, or processed, and the 39787
administrative and legal expenses incurred by the director in 39788
connection with the removal operation. The director shall keep an 39789

itemized record of those costs. Upon completion of the actions for 39790
which the costs were incurred, the director shall record the costs 39791
at the office of the county recorder of the county in which the 39792
accumulation of scrap tires was located. The costs so recorded 39793
constitute a lien on the property on which the accumulation of 39794
scrap tires was located until discharged. Upon the written request 39795
of the director, the attorney general shall bring a civil action 39796
against the person responsible for the accumulation of the scrap 39797
tires that were the subject of the removal operation to recover 39798
the costs for which the person is liable under this division. Any 39799
money so received or recovered shall be credited to the scrap tire 39800
management fund created in section 3734.82 of the Revised Code. 39801

If, in a civil action brought under this division, an owner 39802
of real property is ordered to pay to the director the costs of a 39803
removal action that removed an accumulation of scrap tires from 39804
the person's land or if a lien is placed on the person's land for 39805
the costs of such a removal action, and, in either case, if the 39806
landowner was not the person responsible for causing the 39807
accumulation of scrap tires so removed, the landowner may bring a 39808
civil action against the person who was responsible for causing 39809
the accumulation to recover the amount of the removal costs that 39810
the court ordered the landowner to pay to the director or the 39811
amount of the removal costs certified to the county recorder as a 39812
lien on the landowner's property, whichever is applicable. If the 39813
landowner prevails in the civil action against the person who was 39814
responsible for causing the accumulation of scrap tires, the 39815
court, as it considers appropriate, may award to the landowner the 39816
reasonable attorney's fees incurred by the landowner for bringing 39817
the action, court costs, and other reasonable expenses incurred by 39818
the landowner in connection with the civil action. A landowner 39819
shall bring such a civil action within two years after making the 39820
final payment of the removal costs to the director pursuant to the 39821
judgment rendered against the landowner in the civil action 39822

brought under this division upon the director's request or within 39823
two years after the director certified the costs of the removal 39824
action to the county recorder, as appropriate. A person who, at 39825
the time that a removal action was conducted under this division, 39826
owned the land on which the removal action was performed may bring 39827
an action under this division to recover the costs of the removal 39828
action from the person responsible for causing the accumulation of 39829
scrap tires so removed regardless of whether the person owns the 39830
land at the time of bringing the action. 39831

Subject to the limitations set forth in division (G) of 39832
section 3734.82 of the Revised Code, the director may use moneys 39833
in the scrap tire management fund for conducting removal actions 39834
under this division. Any moneys recovered under this division 39835
shall be credited to the scrap tire management fund. 39836

(B) The director shall initiate enforcement and removal 39837
actions under division (A) of this section in accordance with the 39838
following descending listing of priorities: 39839

(1) Accumulations of scrap tires that the director finds 39840
constitute a fire hazard or threat to public health; 39841

(2) Accumulations of scrap tires determined by the director 39842
to contain more than one million scrap tires; 39843

(3) Accumulations of scrap tires in densely populated areas; 39844

(4) Other accumulations of scrap tires that the director or 39845
board of health of the health district in which the accumulation 39846
is located determines constitute a public nuisance; 39847

(5) Any other accumulations of scrap tires present on 39848
premises operating without a valid license issued under section 39849
3734.05 or 3734.81 of the Revised Code. 39850

(C) The director shall not take enforcement and removal 39851
actions under division (A) of this section against the owner or 39852

operator of, or the owner of the land on which is located, any of 39853
the following: 39854

(1) A premises where not more than one hundred scrap tires 39855
are present at any time; 39856

(2) The premises of a business engaging in the sale of tires 39857
at retail that meets either of the following criteria: 39858

(a) Not more than one thousand scrap tires are present on the 39859
premises at any time in an unsecured, uncovered outdoor location. 39860

(b) Any number of scrap tires are secured in a building or a 39861
covered, enclosed container, trailer, or installation. 39862

(3) The premises of a tire retreading business, a tire 39863
manufacturing finishing center, or a tire adjustment center on 39864
which is located a single, covered scrap tire storage area where 39865
not more than four thousand scrap tires are stored; 39866

(4) The premises of a business that removes tires from motor 39867
vehicles in the ordinary course of business and on which is 39868
located a single scrap tire storage area that occupies not more 39869
than twenty-five hundred square feet; 39870

(5) A solid waste facility licensed under section 3734.05 of 39871
the Revised Code that stores scrap tires on the surface of the 39872
ground if the total land area on which scrap tires are actually 39873
stored does not exceed ten thousand square feet; 39874

(6) A premises where not more than two hundred fifty scrap 39875
tires are stored or kept for agricultural use; 39876

(7) A construction site where scrap tires are stored for use 39877
or used in road resurfacing or the construction of embankments; 39878

(8) A scrap tire collection, storage, monocell, monofill, or 39879
recovery facility licensed under section 3734.81 of the Revised 39880
Code; 39881

(9) A solid waste incineration or energy recovery facility 39882

that is subject to regulation under this chapter and that burns 39883
scrap tires; 39884

(10) A premises where scrap tires are beneficially used and 39885
for which the notice required by rules adopted under section 39886
3734.84 of the Revised Code has been given; 39887

(11) A transporter registered under section 3734.83 of the 39888
Revised Code that collects and holds scrap tires in a covered 39889
trailer or vehicle for not longer than thirty days prior to 39890
transporting them to their final destination. 39891

(D) Nothing in this section restricts any right any person 39892
may have under statute or common law to enforce or seek 39893
enforcement of any law applicable to the management of scrap 39894
tires, abate a nuisance, or seek any other appropriate relief. 39895

(E) An owner of real property ~~upon which there is located an~~ 39896
~~accumulation of not more than five thousand scrap tires~~ is not 39897
liable under division (A) of this section for the cost of the 39898
removal of ~~the~~ up to ten thousand scrap tires on the owner's 39899
property, or more at the director's discretion, and no lien shall 39900
attach to the property under this section, if all of the following 39901
conditions are met: 39902

(1) The tires were placed on the property after the owner 39903
acquired title to the property, or the tires were placed on the 39904
property before the owner acquired title to the property and the 39905
owner acquired title to the property by bequest or devise. 39906

(2) The owner of the property did not have knowledge that the 39907
tires were being placed on the property, or the owner posted on 39908
the property signs prohibiting dumping or took other action to 39909
prevent the placing of tires on the property. 39910

(3) The owner of the property did not participate in or 39911
consent to the placing of the tires on the property. 39912

(4) The owner of the property received no financial benefit 39913
from the placing of the tires on the property or otherwise having 39914
the tires on the property. 39915

(5) Title to the property was not transferred to the owner 39916
for the purpose of evading liability under division (A) of this 39917
section. 39918

(6) The person responsible for placing the tires on the 39919
property, in doing so, was not acting as an agent for the owner of 39920
the property. 39921

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 39922
defray the cost of administering and enforcing the scrap tire 39923
provisions of this chapter, rules adopted under those provisions, 39924
and terms and conditions of orders, variances, and licenses issued 39925
under those provisions; to abate accumulations of scrap tires; to 39926
make grants supporting market development activities for scrap 39927
tires and synthetic rubber from tire manufacturing processes and 39928
tire recycling processes and to support scrap tire amnesty and 39929
cleanup events; to make loans to promote the recycling or recovery 39930
of energy from scrap tires; and to defray the costs of 39931
administering and enforcing sections 3734.90 to 3734.9014 of the 39932
Revised Code, a fee of fifty cents per tire is hereby levied on 39933
the sale of tires. The proceeds of the fee shall be deposited in 39934
the state treasury to the credit of the scrap tire management fund 39935
created in section 3734.82 of the Revised Code. The fee is levied 39936
from the first day of the calendar month that begins next after 39937
thirty days from October 29, 1993, through June 30, ~~2022~~2024. 39938

(2) Beginning on July 1, 2011, and ending on June 30, 39939
~~2022~~2024, there is hereby levied an additional fee of fifty cents 39940
per tire on the sale of tires the proceeds of which shall be 39941
deposited in the state treasury to the credit of the soil and 39942
water conservation district assistance fund created in section 39943

940.15 of the Revised Code. 39944

(B) Only one sale of the same article shall be used in 39945
computing the amount of the fee due. 39946

Sec. 3737.17. (A) As used in this section, a "qualifying 39947
small government" means any of the following: 39948

(1) A township that has a population of not more than five 39949
thousand or, regardless of its population, is located in a county 39950
that has a population of less than one hundred thousand; 39951

(2) A municipal corporation that has a population of not more 39952
than seven thousand five hundred; 39953

(3) A fire district, joint fire district, or fire and 39954
ambulance district that shares territory exclusively with 39955
townships or municipal corporations that meet the conditions of 39956
division (A)(1) or (2) of this section. 39957

(B) The state fire marshal shall administer a small 39958
government fire department services revolving loan program under 39959
which the state fire marshal makes loans to qualifying small 39960
governments for the following purposes: 39961

(1) To expedite purchases of major equipment for fire 39962
fighting, ambulance, emergency medical, or rescue services; 39963

(2) To expedite projects for the construction or renovation 39964
of fire department buildings. 39965

A loan for either purpose under the small government fire 39966
department services revolving loan program is not to carry 39967
interest, and is to be repaid within a term of not longer than 39968
twenty years. A qualifying small government is not eligible to 39969
receive a loan for a project or purchase under the program unless 39970
the qualifying small government contributes to the project or 39971
purchase an amount equal to at least five per cent of the loan 39972
amount. 39973

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal.

(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program.

(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small governments of loans authorized under this section. The fund also shall consist of appropriated money. Investment earnings on money in the fund shall be credited to the fund. The state fire marshal shall use the money credited to the fund to make loans to qualifying small governments as described in this section. The state fire marshal may loan money from repaid loans credited to the fund at any time to qualifying small governments in accordance with this section.

(F) If the director of commerce determines that the cash balance in the small government fire department services revolving loan fund is insufficient to implement the program established under this section, the director may certify the amount needed, which cannot exceed the amount appropriated to the program for the biennium period for which the certification is made, to the director of budget and management. Upon certification, the

director of budget and management may transfer from the state fire 40006
marshal's fund established in section 3737.71 of the Revised Code 40007
to the small government fire department services revolving loan 40008
fund any amount up to, but not exceeding, the amount certified by 40009
the director of commerce. 40010

Sec. 3737.71. Each insurance company doing business in this 40011
state shall pay to the state in installments, at the time of 40012
making the payments required by section 5729.05 of the Revised 40013
Code, in addition to the taxes required to be paid by it, 40014
three-fourths of one per cent on the gross premium receipts 40015
derived from fire insurance and that portion of the premium 40016
reasonably allocable to insurance against the hazard of fire 40017
included in other coverages except life and sickness and accident 40018
insurance, after deducting return premiums paid and considerations 40019
received for reinsurances as shown by the annual statement of such 40020
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 40021
the Revised Code. The money received shall be paid into the state 40022
treasury to the credit of the state fire marshal's fund, which is 40023
hereby created. The fund shall be used for the maintenance and 40024
administration of the office of the fire marshal and the Ohio fire 40025
academy established by section 3737.33 of the Revised Code. If the 40026
director of commerce certifies to the director of budget and 40027
management that the cash balance in the state fire marshal's fund 40028
is in excess of the amount needed to pay ongoing operating 40029
expenses, the director of commerce, with the approval of the 40030
director of budget and management, may use the excess amount to 40031
acquire by purchase, lease, or otherwise, real property or 40032
interests in real property to be used for the benefit of the 40033
office of the state fire marshal, or to construct, acquire, 40034
enlarge, equip, furnish, or improve the fire marshal's office 40035
facilities or the facilities of the Ohio fire academy. The state 40036
fire marshal's fund shall be assessed a proportionate share of the 40037

administrative costs of the department of commerce in accordance 40038
with procedures prescribed by the director of commerce ~~and~~ 40039
~~approved by the director of budget and management.~~ Such assessment 40040
shall be paid from the state fire marshal's fund to the division 40041
of administration fund. 40042

Notwithstanding any other provision in this section, if the 40043
director of budget and management determines at any time that the 40044
money in the state fire marshal's fund exceeds the amount 40045
necessary to defray ongoing operating expenses in a fiscal year, 40046
the director may transfer the excess to the general revenue fund. 40047

Sec. 3740.01. As used in this chapter: 40048

(A) "Community-based long-term care provider" means a 40049
provider, as defined in section 173.39 of the Revised Code. 40050

(B) "Community-based long-term care subcontractor" means a 40051
subcontractor, as defined in section 173.38 of the Revised Code. 40052

(C) "Criminal records check" has the same meaning as in 40053
section 109.572 of the Revised Code. 40054

(D) "Direct care" means any of the following: 40055

(1) Any service identified in divisions (G)(1) to (6) of this 40056
section that is provided in a patient's place of residence used as 40057
the patient's home; 40058

(2) Any activity that requires the person performing the 40059
activity to be routinely alone with a patient or to routinely have 40060
access to a patient's personal property or financial documents 40061
regarding a patient; 40062

(3) For each home health agency individually, any other 40063
routine service or activity that the chief administrator of the 40064
home health agency designates as direct care. 40065

(E) "Disqualifying offense" means any of the offenses listed 40066

or described in divisions (A)(3)(a) to (e) of section 109.572 of 40067
the Revised Code. 40068

(F) "Employee" means a person employed by a home health 40069
agency in a full-time, part-time, or temporary position that 40070
involves providing direct care to an individual and a person who 40071
works in such a position due to being referred to a home health 40072
agency by an employment service. 40073

(G) "Home health agency" means a person or government entity, 40074
other than a nursing home, residential care facility, hospice care 40075
program, pediatric respite care program, or immediate family 40076
member, that has the primary function of providing any of the 40077
following services to a patient at a place of residence used as 40078
the patient's home: 40079

(1) Skilled nursing care; 40080

(2) Physical therapy; 40081

(3) Occupational therapy; 40082

(4) Speech-language pathology; 40083

(5) Medical social services; 40084

(6) Home health aide services. 40085

(H) "Home health aide services" means any of the following 40086
services provided by an employee of a home health agency: 40087

(1) Hands-on bathing or assistance with a tub bath or shower; 40088

(2) Assistance with dressing, ambulation, and toileting; 40089

(3) Catheter care but not insertion; 40090

(4) Meal preparation and feeding. 40091

(I) "Hospice care program" and "pediatric respite care 40092
program" have the same meanings as in section 3712.01 of the 40093
Revised Code. 40094

(J) "Immediate family member" means a parent, grandparent, brother, sister, spouse, son, daughter, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. 40095
40096
40097
40098

(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician. 40099
40100
40101

(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 40102
40103

(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include a caregiver who is an immediate family member of the individual receiving direct care. 40104
40105
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(N) "Nonmedical home health services" means any of the following: 40110
40111

(1) Any service identified in divisions (H)(1) to (4) of this section; 40112
40113

(2) Personal care services; 40114

(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code. 40115
40116
40117

(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 40118
40119
40120

(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code. 40121
40122

(Q) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code. 40123
40124

<u>(R) "Physical therapy" has the same meaning as in section</u>	40125
<u>4755.40 of the Revised Code.</u>	40126
<u>(S) "Skilled home health services" means any of the</u>	40127
<u>following:</u>	40128
<u>(1) Any service identified in divisions (G)(1) to (5) of this</u>	40129
<u>section;</u>	40130
<u>(2) Any other service the director of health designates as a</u>	40131
<u>skilled home health service in rules adopted under section 3740.10</u>	40132
<u>of the Revised Code.</u>	40133
<u>(T) "Social worker" means a person licensed under Chapter</u>	40134
<u>4757. of the Revised Code to practice as a social worker or</u>	40135
<u>independent social worker.</u>	40136
<u>(U) "Speech-language pathology" has the same meaning as in</u>	40137
<u>section 4753.01 of the Revised Code.</u>	40138
<u>(V) "Waiver agency" has the same meaning as in section</u>	40139
<u>5164.342 of the Revised Code.</u>	40140
<u>Sec. 3740.02. Beginning one year after the effective date of</u>	40141
<u>this section:</u>	40142
<u>(A)(1) No home health agency shall do either of the following</u>	40143
<u>unless the agency holds a current, valid license to provide</u>	40144
<u>skilled home health services issued under this chapter:</u>	40145
<u>(a) Provide skilled home health services through one or more</u>	40146
<u>employees;</u>	40147
<u>(b) Hold the agency, or any employee of the agency, out as a</u>	40148
<u>provider of skilled home health services.</u>	40149
<u>(2) No home health agency shall do either of the following</u>	40150
<u>unless the agency holds either a current, valid license to provide</u>	40151
<u>nonmedical home health services, or a current, valid license to</u>	40152
<u>provide skilled home health services, issued under this chapter:</u>	40153

<u>(a) Provide nonmedical home health services through one or more employees;</u>	40154
	40155
<u>(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services.</u>	40156
	40157
<u>(B)(1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter:</u>	40158
	40159
	40160
<u>(a) Provide skilled home health services;</u>	40161
<u>(b) Hold oneself out as a provider of skilled home health services.</u>	40162
	40163
<u>(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:</u>	40164
	40165
	40166
	40167
	40168
<u>(a) Provide nonmedical home health services;</u>	40169
<u>(b) Hold oneself out as a provider of nonmedical home health services.</u>	40170
	40171
Sec. 3740.03. <u>(A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:</u>	40172
	40173
	40174
	40175
	40176
<u>(a) Evidence that the agency or provider meets one of the following:</u>	40177
	40178
<u>(i) Is certified for participation in the medicare program;</u>	40179
<u>(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization</u>	40180
	40181
	40182

approved by the United States centers for medicare and medicaid 40183
services and recognized by the department pursuant to rules 40184
adopted under section 3740.10 of the Revised Code; 40185

(iii) To the extent authorized by rules adopted under section 40186
3740.10 of the Revised Code, is either certified by the department 40187
of aging under section 173.391 of the Revised Code to provide 40188
community-based long-term care services or is certified by the 40189
department of developmental disabilities under section 5123.161 of 40190
the Revised Code to provide supported living; 40191

(iv) Otherwise meets medicare conditions of participation, 40192
even though not certified for participation in the medicare 40193
program. 40194

(b) Evidence that the applicant was providing direct care on 40195
or immediately prior to the effective date of this section, or if 40196
the applicant was not providing direct care immediately prior to 40197
the effective date of this section, a surety bond issued by a 40198
company licensed to do business in this state in the amount of 40199
fifty thousand dollars. 40200

(c) An application fee in the amount of two hundred fifty 40201
dollars. 40202

(2) An applicant applying on the basis of division 40203
(A)(1)(a)(iv) of this section shall provide documentation and 40204
comply with conditions as prescribed by rules adopted under 40205
section 3740.10 of the Revised Code. 40206

(B)(1) Except as provided in division (B)(2) of this section, 40207
a home health agency or nonagency provider seeking to provide 40208
nonmedical home health services shall apply to the department of 40209
health for a nonmedical home health services license. Except as 40210
provided in division (B)(3) of this section, the application shall 40211
include all of the following: 40212

(a) Fingerprint impressions of the primary owner of the home 40213

<u>health agency or of the nonagency provider;</u>	40214
<u>(b) Copies of any documents filed and recorded with the secretary of state;</u>	40215
	40216
<u>(c) A notarized affidavit verifying the identity of the applicant;</u>	40217
	40218
<u>(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;</u>	40219
	40220
<u>(e) A statement identifying the days and hours of operation for the applicant;</u>	40221
	40222
<u>(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;</u>	40223
	40224
	40225
<u>(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;</u>	40226
	40227
<u>(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;</u>	40228
	40229
	40230
	40231
	40232
	40233
<u>(i) An application fee in the amount of two hundred fifty dollars.</u>	40234
	40235
<u>(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.</u>	40236
	40237
	40238
	40239
<u>(3) To the extent authorized by rules adopted under section 3740.10 of the Revised Code, the director of health may waive receipt of one or more of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits</u>	40240
	40241
	40242
	40243

evidence that the agency or provider is either certified by the 40244
department of aging under section 173.391 of the Revised Code to 40245
provide community-based long-term care services or is certified by 40246
the department of developmental disabilities under section 40247
5123.161 of the Revised Code to provide supported living. 40248

(C) An applicant under this section shall use the application 40249
form prescribed by rules adopted under section 3740.10 of the 40250
Revised Code and comply with license procedures established by 40251
those rules. 40252

Sec. 3740.04. The department of health shall review each 40253
license application received under section 3740.03 of the Revised 40254
Code. The department's review of the application shall include a 40255
site visit to verify that medicare conditions of participation are 40256
met if the applicant has not had such a site visit within the 40257
five-year period immediately preceding the date of the 40258
application. 40259

Except as provided in section 3740.07 of the Revised Code, 40260
the department shall issue the appropriate license to an applicant 40261
if the applicant has paid the application fee and demonstrated to 40262
the department's satisfaction that the requirements established 40263
under section 3740.03 of the Revised Code are met. 40264

Sec. 3740.05. (A) Except as provided in section 3740.07 of 40265
the Revised Code and in division (B) of this section, a license 40266
issued under section 3740.04 of the Revised Code is valid for 40267
three years. A person seeking to renew the license shall apply to 40268
the department of health using a license renewal form prescribed 40269
by rules adopted under section 3740.10 of the Revised Code and 40270
comply with any renewal application procedures established by 40271
those rules. The department shall review each application for 40272
license renewal and shall renew the license for three years if the 40273

applicant has paid the renewal fee of two hundred fifty dollars 40274
and demonstrated to the department's satisfaction that the 40275
applicant continues to meet the requirements established in 40276
section 3740.03 of the Revised Code. 40277

(B) The department may adjust an initial license renewal date 40278
to align renewal of a license issued under this chapter with the 40279
renewal of a certification or accreditation identified in 40280
divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised 40281
Code. 40282

Sec. 3740.07. (A) For any of the reasons established in rules 40283
adopted under section 3740.10 of the Revised Code, the department 40284
of health may take one or more of the following actions, as 40285
applicable, with respect to an applicant for or the holder of a 40286
license under this chapter: 40287

(1) Refuse to issue a license; 40288

(2) Refuse to renew or reinstate the holder's license; 40289

(3) Impose limitations on the holder's license; 40290

(4) Revoke or suspend the holder's license; 40291

(5) Place the license holder on probation with regard to the 40292
holder's license or otherwise reprimand the license holder. 40293

(B) All actions taken under this section shall be taken in 40294
accordance with Chapter 119. of the Revised Code. 40295

Sec. 3740.10. (A) The director of health shall adopt rules as 40296
the director considers necessary to implement this chapter, 40297
including rules that do all of the following: 40298

(1) Prescribe license application forms and procedures; 40299

(2) Specify the extent to which either of the following 40300
certifications may satisfy the requirements for licensure set 40301

forth in section 3740.03 of the Revised Code, including any 40302
procedures, conditions, or limitations related to the manner in 40303
which the certifications may satisfy the requirements: 40304

(a) A certification by the department of aging under section 40305
173.391 of the Revised Code to provide community-based long-term 40306
care services; 40307

(b) A certification by the department of developmental 40308
disabilities under section 5123.161 of the Revised Code to provide 40309
supported living. 40310

(3) Specify the documentation that must be provided and 40311
conditions that must be met by an applicant seeking a license on 40312
the basis of division (A)(1)(a)(iv) of section 3740.03 of the 40313
Revised Code; 40314

(4) Prescribe license renewal application forms and 40315
procedures; 40316

(5) Establish the reasons for which the department of health 40317
may take action under section 3740.07 of the Revised Code. 40318

(B) All rules adopted under this section shall be adopted in 40319
accordance with Chapter 119. of the Revised Code. In addition, the 40320
rules shall be adopted in consultation with the director of aging, 40321
director of developmental disabilities, and medicaid director. 40322

Sec. ~~3701.881~~ 3740.11. (A) As used in this section: 40323

~~(1) "Applicant", "applicant" means a person who is under~~ 40324
~~final consideration for employment with a home health agency in a~~ 40325
~~full-time, part-time, or temporary position that involves~~ 40326
~~providing direct care to an individual or is referred to a home~~ 40327
~~health agency by an employment service for such a position.~~ 40328

~~(2) "Community based long term care provider" means a~~ 40329
~~provider as defined in section 173.39 of the Revised Code.~~ 40330

(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	40331 40332
(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	40333 40334
(5) "Direct care" means any of the following:	40335
(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;	40336 40337 40338
(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	40339 40340 40341 40342
(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.	40343 40344 40345
(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (c) of section 109.572 of the Revised Code.	40346 40347 40348
(7) "Employee" means a person employed by a home health agency in a full time, part time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.	40349 40350 40351 40352 40353
(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	40354 40355 40356 40357 40358
(a) Skilled nursing care;	40359
(b) Physical therapy;	40360

(c) Speech language pathology;	40361
(d) Occupational therapy;	40362
(e) Medical social services;	40363
(f) Home health aide services.	40364
(9) "Home health aide services" means any of the following services provided by an employee of a home health agency;	40365 40366
(a) Hands on bathing or assistance with a tub bath or shower;	40367
(b) Assistance with dressing, ambulation, and toileting;	40368
(c) Catheter care but not insertion;	40369
(d) Meal preparation and feeding.	40370
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	40371 40372 40373
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	40374 40375 40376
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	40377 40378
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	40379 40380 40381
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	40382 40383
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	40384 40385
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	40386 40387 40388

~~(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.~~ 40389
40390

~~(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.~~ 40391
40392

(B) No home health agency shall employ an applicant or 40393
continue to employ an employee in a position that involves 40394
providing direct care to an individual if any of the following 40395
apply: 40396

(1) A review of the databases listed in division (D) of this 40397
section reveals any of the following: 40398

(a) That the applicant or employee is included in one or more 40399
of the databases listed in divisions (D)(1) to (5) of this 40400
section; 40401

(b) That there is in the state nurse aide registry 40402
established under section 3721.32 of the Revised Code a statement 40403
detailing findings by the director of health that the applicant or 40404
employee abused, neglected, or exploited a long-term care facility 40405
or residential care facility resident or misappropriated property 40406
of such a resident; 40407

(c) That the applicant or employee is included in one or more 40408
of the databases, if any, specified in rules adopted under this 40409
section and the rules prohibit the home health agency from 40410
employing an applicant or continuing to employ an employee 40411
included in such a database in a position that involves providing 40412
direct care to an individual. 40413

(2) After the applicant or employee is provided, pursuant to 40414
division (E)(2)(a) of this section, a copy of the form prescribed 40415
pursuant to division (C)(1) of section 109.572 of the Revised Code 40416
and the standard impression sheet prescribed pursuant to division 40417
(C)(2) of that section, the applicant or employee fails to 40418
complete the form or provide the applicant's or employee's 40419

fingerprint impressions on the standard impression sheet. 40420

(3) Except as provided in rules adopted under this section, 40421
the applicant or employee is found by a criminal records check 40422
required by this section to have been convicted of, pleaded guilty 40423
to, or been found eligible for intervention in lieu of conviction 40424
for a disqualifying offense. 40425

(C) Except as provided by division (F) of this section, the 40426
chief administrator of a home health agency shall inform each 40427
applicant of both of the following at the time of the applicant's 40428
initial application for employment or referral to the home health 40429
agency by an employment service for a position that involves 40430
providing direct care to an individual: 40431

(1) That a review of the databases listed in division (D) of 40432
this section will be conducted to determine whether the home 40433
health agency is prohibited by division (B)(1) of this section 40434
from employing the applicant in the position; 40435

(2) That, unless the database review reveals that the 40436
applicant may not be employed in the position, a criminal records 40437
check of the applicant will be conducted and the applicant is 40438
required to provide a set of the applicant's fingerprint 40439
impressions as part of the criminal records check. 40440

(D) As a condition of employing any applicant in a position 40441
that involves providing direct care to an individual, the chief 40442
administrator of a home health agency shall conduct a database 40443
review of the applicant in accordance with rules adopted under 40444
this section. If rules adopted under this section so require, the 40445
chief administrator of a home health agency shall conduct a 40446
database review of an employee in accordance with the rules as a 40447
condition of continuing to employ the employee in a position that 40448
involves providing direct care to an individual. However, the 40449
chief administrator is not required to conduct a database review 40450

of an applicant or employee if division (F) of this section 40451
applies. A database review shall determine whether the applicant 40452
or employee is included in any of the following: 40453

(1) The excluded parties list system that is maintained by 40454
the United States general services administration pursuant to 40455
subpart 9.4 of the federal acquisition regulation and available at 40456
the federal web site known as the system for award management; 40457

(2) The list of excluded individuals and entities maintained 40458
by the office of inspector general in the United States department 40459
of health and human services pursuant to the "Social Security 40460
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 40461

(3) The registry of developmental disabilities employees 40462
established under section 5123.52 of the Revised Code; 40463

(4) The internet-based sex offender and child-victim offender 40464
database established under division (A)(11) of section 2950.13 of 40465
the Revised Code; 40466

(5) The internet-based database of inmates established under 40467
section 5120.66 of the Revised Code; 40468

(6) The state nurse aide registry established under section 40469
3721.32 of the Revised Code; 40470

(7) Any other database, if any, specified in rules adopted 40471
under this section. 40472

(E)(1) As a condition of employing any applicant in a 40473
position that involves providing direct care to an individual, the 40474
chief administrator of a home health agency shall request the 40475
superintendent of the bureau of criminal identification and 40476
investigation to conduct a criminal records check of the 40477
applicant. If rules adopted under this section so require, the 40478
chief administrator of a home health agency shall request the 40479
superintendent to conduct a criminal records check of an employee 40480

at times specified in the rules as a condition of continuing to 40481
employ the employee in a position that involves providing direct 40482
care to an individual. However, the chief administrator is not 40483
required to request the criminal records check of the applicant or 40484
the employee if division (F) of this section applies or the home 40485
health agency is prohibited by division (B)(1) of this section 40486
from employing the applicant or continuing to employ the employee 40487
in a position that involves providing direct care to an 40488
individual. If an applicant or employee for whom a criminal 40489
records check request is required by this section does not present 40490
proof of having been a resident of this state for the five-year 40491
period immediately prior to the date upon which the criminal 40492
records check is requested or does not provide evidence that 40493
within that five-year period the superintendent has requested 40494
information about the applicant from the federal bureau of 40495
investigation in a criminal records check, the chief administrator 40496
shall request that the superintendent obtain information from the 40497
federal bureau of investigation as a part of the criminal records 40498
check. Even if an applicant or employee for whom a criminal 40499
records check request is required by this section presents proof 40500
that the applicant or employee has been a resident of this state 40501
for that five-year period, the chief administrator may request 40502
that the superintendent include information from the federal 40503
bureau of investigation in the criminal records check. 40504

(2) The chief administrator shall do all of the following: 40505

(a) Provide to each applicant and employee for whom a 40506
criminal records check request is required by this section a copy 40507
of the form prescribed pursuant to division (C)(1) of section 40508
109.572 of the Revised Code and a standard impression sheet 40509
prescribed pursuant to division (C)(2) of that section; 40510

(b) Obtain the completed form and standard impression sheet 40511
from each applicant and employee; 40512

(c) Forward the completed form and standard impression sheet 40513
to the superintendent at the time the chief administrator requests 40514
the criminal records check. 40515

(3) A home health agency shall pay to the bureau of criminal 40516
identification and investigation the fee prescribed pursuant to 40517
division (C)(3) of section 109.572 of the Revised Code for each 40518
criminal records check the agency requests under this section. A 40519
home health agency may charge an applicant a fee not exceeding the 40520
amount the agency pays to the bureau under this section if both of 40521
the following apply: 40522

(a) The home health agency notifies the applicant at the time 40523
of initial application for employment of the amount of the fee and 40524
that, unless the fee is paid, the applicant will not be considered 40525
for employment. 40526

(b) The medicaid program does not reimburse the home health 40527
agency for the fee it pays to the bureau under this section. 40528

(F) Divisions (C) to (E) of this section do not apply with 40529
regard to an applicant or employee if the applicant or employee is 40530
referred to a home health agency by an employment service that 40531
supplies full-time, part-time, or temporary staff for positions 40532
that involve providing direct care to an individual and both of 40533
the following apply: 40534

(1) The chief administrator of the home health agency 40535
receives from the employment service confirmation that a review of 40536
the databases listed in division (D) of this section was conducted 40537
with regard to the applicant or employee. 40538

(2) The chief administrator of the home health agency 40539
receives from the employment service, applicant, or employee a 40540
report of the results of a criminal records check of the applicant 40541
or employee that has been conducted by the superintendent within 40542
the one-year period immediately preceding the following: 40543

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 40544
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 40546
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 40549
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment. 40556
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 40560
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 40566
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 40569
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on 40573
40574

the letter; 40575

(iv) That the employment service promptly will send a copy of 40576
the results of the criminal records check to the chief 40577
administrator of the home health agency when the employment 40578
service receives the results. 40579

(2) If a home health agency employs an applicant 40580
conditionally pursuant to division (G)(1)(b) of this section, the 40581
employment service, on its receipt of the results of the criminal 40582
records check, promptly shall send a copy of the results to the 40583
chief administrator of the agency. 40584

(3) A home health agency that employs an applicant 40585
conditionally pursuant to division (G)(1)(a) or (b) of this 40586
section shall terminate the applicant's employment if the results 40587
of the criminal records check, other than the results of any 40588
request for information from the federal bureau of investigation, 40589
are not obtained within the period ending sixty days after the 40590
date the request for the criminal records check is made. 40591
Regardless of when the results of the criminal records check are 40592
obtained, if the results indicate that the applicant has been 40593
convicted of, pleaded guilty to, or been found eligible for 40594
intervention in lieu of conviction for a disqualifying offense, 40595
the home health agency shall terminate the applicant's employment 40596
unless circumstances specified in rules adopted under this section 40597
that permit the agency to employ the applicant exist and the 40598
agency chooses to employ the applicant. Termination of employment 40599
under this division shall be considered just cause for discharge 40600
for purposes of division (D)(2) of section 4141.29 of the Revised 40601
Code if the applicant makes any attempt to deceive the home health 40602
agency about the applicant's criminal record. 40603

(H) The report of any criminal records check conducted by the 40604
bureau of criminal identification and investigation in accordance 40605
with section 109.572 of the Revised Code and pursuant to a request 40606

made under this section is not a public record for the purposes of 40607
section 149.43 of the Revised Code and shall not be made available 40608
to any person other than the following: 40609

(1) The applicant or employee who is the subject of the 40610
criminal records check or the applicant's or employee's 40611
representative; 40612

(2) The home health agency requesting the criminal records 40613
check or its representative; 40614

(3) The administrator of any other facility, agency, or 40615
program that provides direct care to individuals that is owned or 40616
operated by the same entity that owns or operates the home health 40617
agency that requested the criminal records check; 40618

(4) The employment service that requested the criminal 40619
records check; 40620

(5) The director of health and the staff of the department of 40621
health who monitor a home health agency's compliance with this 40622
section; 40623

(6) The director of aging or the director's designee if 40624
either of the following apply: 40625

(a) In the case of a criminal records check requested by a 40626
home health agency, the home health agency also is a 40627
community-based long-term care provider or community-based 40628
long-term care subcontractor; 40629

(b) In the case of a criminal records check requested by an 40630
employment service, the employment service makes the request for 40631
an applicant or employee the employment service refers to a home 40632
health agency that also is a community-based long-term care 40633
provider or community-based long-term care subcontractor. 40634

(7) The medicaid director and the staff of the department of 40635
medicaid who are involved in the administration of the medicaid 40636

program if either of the following apply: 40637

(a) In the case of a criminal records check requested by a 40638
home health agency, the home health agency also is a waiver 40639
agency; 40640

(b) In the case of a criminal records check requested by an 40641
employment service, the employment service makes the request for 40642
an applicant or employee the employment service refers to a home 40643
health agency that also is a waiver agency. 40644

(8) Any court, hearing officer, or other necessary individual 40645
involved in a case dealing with any of the following: 40646

(a) A denial of employment of the applicant or employee; 40647

(b) Employment or unemployment benefits of the applicant or 40648
employee; 40649

(c) A civil or criminal action regarding the medicaid 40650
program. 40651

(I) In a tort or other civil action for damages that is 40652
brought as the result of an injury, death, or loss to person or 40653
property caused by an applicant or employee who a home health 40654
agency employs in a position that involves providing direct care 40655
to an individual, all of the following shall apply: 40656

(1) If the home health agency employed the applicant or 40657
employee in good faith and reasonable reliance on the report of a 40658
criminal records check requested under this section, the agency 40659
shall not be found negligent solely because of its reliance on the 40660
report, even if the information in the report is determined later 40661
to have been incomplete or inaccurate. 40662

(2) If the home health agency employed the applicant in good 40663
faith on a conditional basis pursuant to division (G) of this 40664
section, the agency shall not be found negligent solely because it 40665
employed the applicant prior to receiving the report of a criminal 40666

records check requested under this section. 40667

(3) If the home health agency in good faith employed the 40668
applicant or employee according to the personal character 40669
standards established in rules adopted under this section, the 40670
agency shall not be found negligent solely because the applicant 40671
or employee had been convicted of, pleaded guilty to, or been 40672
found eligible for intervention in lieu of conviction for a 40673
disqualifying offense. 40674

(J) The director of health shall adopt rules in accordance 40675
with Chapter 119. of the Revised Code to implement this section. 40676

(1) The rules may do the following: 40677

(a) Require employees to undergo database reviews and 40678
criminal records checks under this section; 40679

(b) If the rules require employees to undergo database 40680
reviews and criminal records checks under this section, exempt one 40681
or more classes of employees from the requirements; 40682

(c) For the purpose of division (D)(7) of this section, 40683
specify other databases that are to be checked as part of a 40684
database review conducted under this section. 40685

(2) The rules shall specify all of the following: 40686

(a) The procedures for conducting database reviews under this 40687
section; 40688

(b) If the rules require employees to undergo database 40689
reviews and criminal records checks under this section, the times 40690
at which the database reviews and criminal records checks are to 40691
be conducted; 40692

(c) If the rules specify other databases to be checked as 40693
part of the database reviews, the circumstances under which a home 40694
health agency is prohibited from employing an applicant or 40695
continuing to employ an employee who is found by a database review 40696

to be included in one or more of those databases; 40697

(d) Circumstances under which a home health agency may employ 40698
an applicant or employee who is found by a criminal records check 40699
required by this section to have been convicted of, pleaded guilty 40700
to, or been found eligible for intervention in lieu of conviction 40701
for a disqualifying offense but meets personal character 40702
standards. 40703

Sec. 3740.99. Whoever violates section 3740.02 of the Revised 40704
Code is guilty of a misdemeanor of the second degree on a first 40705
offense; for each subsequent offense, the person is guilty of a 40706
misdemeanor of the first degree. 40707

Sec. 3741.14. (A) Each filling station offering self-service 40708
shall be operated in accordance with the most recent version of 40709
the national fire protection association standard number ~~30A-1990~~ 40710
30A, as that standard is incorporated into the fire code adopted 40711
by the state fire marshal in accordance with section 3737.82 of 40712
the Revised Code, and the provisions of the "Occupational Safety 40713
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 40714
amendments thereto and standards adopted thereunder. 40715

(B) The fire marshal shall adopt, as part of the state fire 40716
code, rules governing the equipment, operation, and maintenance of 40717
filling stations. The rules shall be such as are necessary for the 40718
protection of the persons and property of the public, but shall 40719
require as a minimum that: 40720

(2) A sign, in block letters at least four inches in height, 40721
be conspicuously displayed on each gasoline pump island where 40722
self-service is offered stating that it is a self-service island; 40723

(3) Signs giving instructions for the operation of gasoline 40724
dispensing equipment, in block letters, be conspicuously posted at 40725
each filling station offering self-service; 40726

(4) A sign bearing the following words in block letters be	40727
conspicuously posted on each gasoline pump island where	40728
self-service is offered:	40729
(a) "STOP ENGINE";	40730
(b) "NO SMOKING";	40731
(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE	40732
GASOLINE INTO UNAPPROVED CONTAINERS";	40733
(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST	40734
REMAIN AT THE REFUELING POINT DURING REFUELING".	40735
(5) All signs required by this section be constructed of	40736
rigid, weather-resistant material;	40737
(6) Gasoline dispensing nozzles used by any person other than	40738
a supervisor, employee, or attendant be of an approved automatic	40739
closing type. Any person other than a supervisor, employee, or	40740
attendant using a dispenser with a hold-open latch shall remain at	40741
the refueling point during refueling.	40742
(C) The fire marshal shall not prohibit the operation of a	40743
filling station offering self-service solely because it is an	40744
unattended filling station that utilizes key- or card-operated	40745
self-service flammable or combustible liquid dispensing equipment.	40746
(D) Nothing in this section shall be interpreted to prohibit	40747
the fire marshal from adopting reasonable rules governing the	40748
safety of self-service flammable or combustible liquid dispensing	40749
equipment.	40750
<u>Sec. 3742.11. (A) As used in this section, "renovation,</u>	40751
<u>repair, and painting rule" means the rule adopted by the United</u>	40752
<u>States environmental protection agency pursuant to the "Toxic</u>	40753
<u>Substances Control Act of 1978," 15 U.S.C. 2601.</u>	40754
<u>(B) The director of health may enter into agreements with the</u>	40755

United States environmental protection agency for the 40756
administration and enforcement of the renovation, repair, and 40757
painting rule. The director also may accept available assistance 40758
in support of any agreement. 40759

(C) The director may adopt rules in accordance with Chapter 40760
119. of the Revised Code for the administration and enforcement of 40761
this section. If the director adopts such rules, the director 40762
shall specify all of the following in the rules: 40763

(1) Provisions governing application for certification, 40764
approval and denial of certification, and renewal, suspension, and 40765
revocation of certification under this section; 40766

(2) Fees for any certification issued or renewed under this 40767
section; 40768

(3) Requirements for training and certification, which must 40769
include levels of training and periodic refresher training for 40770
certifications issued under this section; 40771

(4) Procedures to be followed by a person certified under 40772
this section to undertake renovation, repair, and painting 40773
projects and to prevent public exposure to lead hazards and ensure 40774
worker protection during renovation, repair, or painting projects; 40775

(5) Provisions governing the imposition of civil penalties 40776
for violations of procedures adopted under this section. Civil 40777
penalties shall not exceed \$5,000 per violation. 40778

(6) Record-keeping and reporting requirements for a person 40779
certified under this section; 40780

(7) Procedures for the approval of training providers under 40781
this section, including specific training course requirements; 40782

(8) Any other procedures and requirements that the director 40783
determines necessary for the implementation of this section. 40784

Sec. 3745.014. There is hereby created in the state treasury 40785
the central support indirect fund, which shall be administered by 40786
the director of environmental protection. Money credited to the 40787
fund shall be used for administrative costs of the environmental 40788
protection agency. The director may assess any operating funds 40789
from which the agency receives appropriations, except the central 40790
support indirect fund, for a share of the administrative costs of 40791
the agency. The amounts assessed shall be transferred to the 40792
central support indirect fund by means of intrastate transfer 40793
vouchers. The director, ~~with the approval of the director of~~ 40794
~~budget and management,~~ shall determine the rate of assessments. 40795

Sec. 3745.11. (A) Applicants for and holders of permits, 40796
licenses, variances, plan approvals, and certifications issued by 40797
the director of environmental protection pursuant to Chapters 40798
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 40799
to the environmental protection agency for each such issuance and 40800
each application for an issuance as provided by this section. No 40801
fee shall be charged for any issuance for which no application has 40802
been submitted to the director. 40803

(B) Except as otherwise provided in division (C)(2) of this 40804
section, beginning July 1, 1994, each person who owns or operates 40805
an air contaminant source and who is required to apply for and 40806
obtain a Title V permit under section 3704.036 of the Revised Code 40807
shall pay the fees set forth in this division. For the purposes of 40808
this division, total emissions of air contaminants may be 40809
calculated using engineering calculations, emissions factors, 40810
material balance calculations, or performance testing procedures, 40811
as authorized by the director. 40812

The following fees shall be assessed on the total actual 40813
emissions from a source in tons per year of the regulated 40814
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 40815

organic compounds, and lead: 40816

(1) Fifteen dollars per ton on the total actual emissions of 40817
each such regulated pollutant during the period July through 40818
December 1993, to be collected no sooner than July 1, 1994; 40819

(2) Twenty dollars per ton on the total actual emissions of 40820
each such regulated pollutant during calendar year 1994, to be 40821
collected no sooner than April 15, 1995; 40822

(3) Twenty-five dollars per ton on the total actual emissions 40823
of each such regulated pollutant in calendar year 1995, and each 40824
subsequent calendar year, to be collected no sooner than the 40825
fifteenth day of April of the year next succeeding the calendar 40826
year in which the emissions occurred. 40827

The fees levied under this division do not apply to that 40828
portion of the emissions of a regulated pollutant at a facility 40829
that exceed four thousand tons during a calendar year. 40830

(C)(1) The fees assessed under division (B) of this section 40831
are for the purpose of providing funding for the Title V permit 40832
program. 40833

(2) The fees assessed under division (B) of this section do 40834
not apply to emissions from any electric generating unit 40835
designated as a Phase I unit under Title IV of the federal Clean 40836
Air Act prior to calendar year 2000. Those fees shall be assessed 40837
on the emissions from such a generating unit commencing in 40838
calendar year 2001 based upon the total actual emissions from the 40839
generating unit during calendar year 2000 and shall continue to be 40840
assessed each subsequent calendar year based on the total actual 40841
emissions from the generating unit during the preceding calendar 40842
year. 40843

(3) The director shall issue invoices to owners or operators 40844
of air contaminant sources who are required to pay a fee assessed 40845
under division (B) or (D) of this section. Any such invoice shall 40846

be issued no sooner than the applicable date when the fee first 40847
may be collected in a year under the applicable division, shall 40848
identify the nature and amount of the fee assessed, and shall 40849
indicate that the fee is required to be paid within thirty days 40850
after the issuance of the invoice. 40851

~~(D)(1) Except as provided in division (D)(3) of this section, 40852
from January 1, 1994, through December 31, 2003, each person who 40853
owns or operates an air contaminant source; who is required to 40854
apply for a permit to operate pursuant to rules adopted under 40855
division (G), or a variance pursuant to division (H), of section 40856
3704.03 of the Revised Code; and who is not required to apply for 40857
and obtain a Title V permit under section 3704.036 of the Revised 40858
Code shall pay a single fee based upon the sum of the actual 40859
annual emissions from the facility of the regulated pollutants 40860
particulate matter, sulfur dioxide, nitrogen oxides, organic 40861
compounds, and lead in accordance with the following schedule:~~ 40862

Total tons per year 40863		
of regulated pollutants 40864	Annual fee	
emitted 40865	per facility	
More than 0, but less than 50 40866	\$ 75	
50 or more, but less than 100 40867	300	
100 or more 40868	700	

~~(2) Except as provided in division (D)(3)(D)(2) of this 40869
section, beginning January 1, 2004, each person who owns or 40870
operates an air contaminant source; who is required to apply for a 40871
permit to operate pursuant to rules adopted under division (G), or 40872
a variance pursuant to division (H), of section 3704.03 of the 40873
Revised Code; and who is not required to apply for and obtain a 40874
Title V permit under section 3704.03 of the Revised Code shall pay 40875
a single fee based upon the sum of the actual annual emissions 40876
from the facility of the regulated pollutants particulate matter, 40877
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 40878~~

accordance with the following schedule:		40879
Total tons per year		40880
of regulated pollutants	Annual fee	40881
emitted	per facility	40882
More than 0, but less than 10	\$ 100	40883
10 or more, but less than 50	200	40884
50 or more, but less than 100	300	40885
100 or more	700	40886
(3)(a)(2)(a) As used in division (D) of this section,		40887
"synthetic minor facility" means a facility for which one or more		40888
permits to install or permits to operate have been issued for the		40889
air contaminant sources at the facility that include terms and		40890
conditions that lower the facility's potential to emit air		40891
contaminants below the major source thresholds established in		40892
rules adopted under section 3704.036 of the Revised Code.		40893
(b) Beginning January 1, 2000, through June 30, 2022 2024,		40894
each person who owns or operates a synthetic minor facility shall		40895
pay an annual fee based on the sum of the actual annual emissions		40896
from the facility of particulate matter, sulfur dioxide, nitrogen		40897
dioxide, organic compounds, and lead in accordance with the		40898
following schedule:		40899
Combined total tons		40900
per year of all regulated	Annual fee	40901
pollutants emitted	per facility	40902
Less than 10	\$ 170	40903
10 or more, but less than 20	340	40904
20 or more, but less than 30	670	40905
30 or more, but less than 40	1,010	40906
40 or more, but less than 50	1,340	40907
50 or more, but less than 60	1,680	40908
60 or more, but less than 70	2,010	40909
70 or more, but less than 80	2,350	40910

80 or more, but less than 90	2,680	40911
90 or more, but less than 100	3,020	40912
100 or more	3,350	40913

~~(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.~~ (3) The fees assessed under division ~~(D)(2)~~(D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division ~~(D)(3)~~(D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		
Generating capacity (mega watts)	Permit to install	
0 or more, but less than 10	\$ 25	

10 or more, but less than 25	150	40974
25 or more, but less than 50	300	40975
50 or more, but less than 100	500	40976
100 or more, but less than 250	1000	40977
250 or more	2000	40978

(3) Incinerators 40979

Input capacity (pounds per hour)	Permit to install	40980
0 to 100	\$ 100	40981
101 to 500	500	40982
501 to 2000	1000	40983
2001 to 20,000	1500	40984
more than 20,000	3750	40985

(4)(a) Process 40986

Process weight rate (pounds per hour)	Permit to install	40987
0 to 1000	\$ 200	40988
1001 to 5000	500	40989
5001 to 10,000	750	40990
10,001 to 50,000	1000	40991
more than 50,000	1250	40992

In any process where process weight rate cannot be 40993
ascertained, the minimum fee shall be assessed. A boiler, furnace, 40994
combustion turbine, stationary internal combustion engine, or 40995
process heater designed to provide direct heat or power to a 40996
process not designed to generate electricity shall be assessed a 40997
fee established in division (F)(4)(a) of this section. A 40998
combustion turbine or stationary internal combustion engine 40999
designed to generate electricity shall be assessed a fee 41000
established in division (F)(2) of this section. 41001

(b) Notwithstanding division (F)(4)(a) of this section, any 41002
person issued a permit to install pursuant to rules adopted under 41003
division (F) of section 3704.03 of the Revised Code shall pay the 41004
fees set forth in division (F)(4)(c) of this section for a process 41005

used in any of the following industries, as identified by the 41006
applicable two-digit, three-digit, or four-digit standard 41007
industrial classification code according to the Standard 41008
Industrial Classification Manual published by the United States 41009
office of management and budget in the executive office of the 41010
president, 1987, as revised: 41011

Major group 10, metal mining; 41012

Major group 12, coal mining; 41013

Major group 14, mining and quarrying of nonmetallic minerals; 41014

Industry group 204, grain mill products; 41015

2873 Nitrogen fertilizers; 41016

2874 Phosphatic fertilizers; 41017

3281 Cut stone and stone products; 41018

3295 Minerals and earth, ground or otherwise treated; 41019

4221 Grain elevators (storage only); 41020

5159 Farm related raw materials; 41021

5261 Retail nurseries and lawn and garden supply stores. 41022

(c) The fees set forth in the following schedule apply to the 41023
issuance of a permit to install pursuant to rules adopted under 41024
division (F) of section 3704.03 of the Revised Code for a process 41025
identified in division (F)(4)(b) of this section: 41026

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	41028
10,001 to 50,000	400	41029
50,001 to 100,000	500	41030
100,001 to 200,000	600	41031
200,001 to 400,000	750	41032
400,001 or more	900	41033

(5) Storage tanks		41034
Gallons (maximum useful capacity)	Permit to install	41035
0 to 20,000	\$ 100	41036
20,001 to 40,000	150	41037
40,001 to 100,000	250	41038
100,001 to 500,000	400	41039
500,001 or greater	750	41040
(6) Gasoline/fuel dispensing facilities		41041
For each gasoline/fuel		41042
dispensing facility (includes all	Permit to install	41043
units at the facility)	\$ 100	41044
(7) Dry cleaning facilities		41045
For each dry cleaning		41046
facility (includes all units	Permit to install	41047
at the facility)	\$ 100	41048
(8) Registration status		41049
For each source covered	Permit to install	41050
by registration status	\$ 75	41051
(G) An owner or operator who is responsible for an asbestos		41052
demolition or renovation project pursuant to rules adopted under		41053
section 3704.03 of the Revised Code shall pay, upon submitting a		41054
notification pursuant to rules adopted under that section, the		41055
fees set forth in the following schedule:		41056
Action	Fee	41057
Each notification	\$75	41058
Asbestos removal	\$3/unit	41059
Asbestos cleanup	\$4/cubic yard	41060
For purposes of this division, "unit" means any combination of		41061
linear feet or square feet equal to fifty.		41062
(H) A person who is issued an extension of time for a permit		41063
to install an air contaminant source pursuant to rules adopted		41064

under division (F) of section 3704.03 of the Revised Code shall 41065
pay a fee equal to one-half the fee originally assessed for the 41066
permit to install under this section, except that the fee for such 41067
an extension shall not exceed two hundred dollars. 41068

(I) A person who is issued a modification to a permit to 41069
install an air contaminant source pursuant to rules adopted under 41070
section 3704.03 of the Revised Code shall pay a fee equal to 41071
one-half of the fee that would be assessed under this section to 41072
obtain a permit to install the source. The fee assessed by this 41073
division only applies to modifications that are initiated by the 41074
owner or operator of the source and shall not exceed two thousand 41075
dollars. 41076

(J) Notwithstanding division (F) of this section, a person 41077
who applies for or obtains a permit to install pursuant to rules 41078
adopted under division (F) of section 3704.03 of the Revised Code 41079
after the date actual construction of the source began shall pay a 41080
fee for the permit to install that is equal to twice the fee that 41081
otherwise would be assessed under the applicable division unless 41082
the applicant received authorization to begin construction under 41083
division (W) of section 3704.03 of the Revised Code. This division 41084
only applies to sources for which actual construction of the 41085
source begins on or after July 1, 1993. The imposition or payment 41086
of the fee established in this division does not preclude the 41087
director from taking any administrative or judicial enforcement 41088
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 41089
of the Revised Code, or a rule adopted under any of them, in 41090
connection with a violation of rules adopted under division (F) of 41091
section 3704.03 of the Revised Code. 41092

As used in this division, "actual construction of the source" 41093
means the initiation of physical on-site construction activities 41094
in connection with improvements to the source that are permanent 41095
in nature, including, without limitation, the installation of 41096

building supports and foundations and the laying of underground 41097
pipework. 41098

(K)(1) Money received under division (B) of this section 41099
shall be deposited in the state treasury to the credit of the 41100
Title V clean air fund created in section 3704.035 of the Revised 41101
Code. Annually, not more than fifty cents per ton of each fee 41102
assessed under division (B) of this section on actual emissions 41103
from a source and received by the environmental protection agency 41104
pursuant to that division may be transferred by the director using 41105
an interstate transfer voucher to the state treasury to the credit 41106
of the small business assistance fund created in section 3706.19 41107
of the Revised Code. In addition, annually, the amount of money 41108
necessary for the operation of the office of ombudsperson as 41109
determined under division (B) of that section shall be transferred 41110
to the state treasury to the credit of the small business 41111
ombudsperson fund created by that section. 41112

(2) Money received by the agency pursuant to divisions (D), 41113
(F), (G), (H), (I), and (J) of this section shall be deposited in 41114
the state treasury to the credit of the non-Title V clean air fund 41115
created in section 3704.035 of the Revised Code. 41116

(L)(1) A person applying for a plan approval for a wastewater 41117
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 41118
of the Revised Code shall pay a nonrefundable fee of one hundred 41119
dollars plus sixty-five one-hundredths of one per cent of the 41120
estimated project cost through June 30, ~~2022~~2024, and a 41121
nonrefundable application fee of one hundred dollars plus 41122
two-tenths of one per cent of the estimated project cost on and 41123
after July 1, ~~2022~~2024, except that the total fee shall not exceed 41124
fifteen thousand dollars through June 30, ~~2022~~2024, and five 41125
thousand dollars on and after July 1, ~~2022~~2024. The fee shall be 41126
paid at the time the application is submitted. 41127

(2) A person who has entered into an agreement with the 41128

director under section 6111.14 of the Revised Code shall pay an 41129
administrative service fee for each plan submitted under that 41130
section for approval that shall not exceed the minimum amount 41131
necessary to pay administrative costs directly attributable to 41132
processing plan approvals. The director annually shall calculate 41133
the fee and shall notify all persons who have entered into 41134
agreements under that section, or who have applied for agreements, 41135
of the amount of the fee. 41136

(3)(a)(i) Not later than January 30, ~~2020~~2022, and January 41137
30, ~~2021~~2023, a person holding an NPDES discharge permit issued 41138
pursuant to Chapter 6111. of the Revised Code with an average 41139
daily discharge flow of five thousand gallons or more shall pay a 41140
nonrefundable annual discharge fee. Any person who fails to pay 41141
the fee at that time shall pay an additional amount that equals 41142
ten per cent of the required annual discharge fee. 41143

(ii) The billing year for the annual discharge fee 41144
established in division (L)(3)(a)(i) of this section shall consist 41145
of a twelve-month period beginning on the first day of January of 41146
the year preceding the date when the annual discharge fee is due. 41147
In the case of an existing source that permanently ceases to 41148
discharge during a billing year, the director shall reduce the 41149
annual discharge fee, including the surcharge applicable to 41150
certain industrial facilities pursuant to division (L)(3)(c) of 41151
this section, by one-twelfth for each full month during the 41152
billing year that the source was not discharging, but only if the 41153
person holding the NPDES discharge permit for the source notifies 41154
the director in writing, not later than the first day of October 41155
of the billing year, of the circumstances causing the cessation of 41156
discharge. 41157

(iii) The annual discharge fee established in division 41158
(L)(3)(a)(i) of this section, except for the surcharge applicable 41159
to certain industrial facilities pursuant to division (L)(3)(c) of 41160

this section, shall be based upon the average daily discharge flow 41161
in gallons per day calculated using first day of May through 41162
thirty-first day of October flow data for the period two years 41163
prior to the date on which the fee is due. In the case of NPDES 41164
discharge permits for new sources, the fee shall be calculated 41165
using the average daily design flow of the facility until actual 41166
average daily discharge flow values are available for the time 41167
period specified in division (L)(3)(a)(iii) of this section. The 41168
annual discharge fee may be prorated for a new source as described 41169
in division (L)(3)(a)(ii) of this section. 41170

(b)(i) An NPDES permit holder that is a public discharger 41171
shall pay the fee specified in the following schedule: 41172

Average daily	Fee due by	
discharge flow	January 30,	
	2020 <u>2022</u> , and	
	January 30,	
	2021 <u>2023</u>	
5,000 to 49,999	\$ 200	41177
50,000 to 100,000	500	41178
100,001 to 250,000	1,050	41179
250,001 to 1,000,000	2,600	41180
1,000,001 to 5,000,000	5,200	41181
5,000,001 to 10,000,000	10,350	41182
10,000,001 to 20,000,000	15,550	41183
20,000,001 to 50,000,000	25,900	41184
50,000,001 to 100,000,000	41,400	41185
100,000,001 or more	62,100	41186

(ii) Public dischargers owning or operating two or more 41187
publicly owned treatment works serving the same political 41188
subdivision, as "treatment works" is defined in section 6111.01 of 41189
the Revised Code, and that serve exclusively political 41190
subdivisions having a population of fewer than one hundred 41191

thousand persons shall pay an annual discharge fee under division 41192
(L)(3)(b)(i) of this section that is based on the combined average 41193
daily discharge flow of the treatment works. 41194

(c)(i) An NPDES permit holder that is an industrial 41195
discharger, other than a coal mining operator identified by P in 41196
the third character of the permittee's NPDES permit number, shall 41197
pay the fee specified in the following schedule: 41198

Average daily	Fee due by	
discharge flow	January 30,	
	2020 <u>2022</u> , and	
	January 30,	
	2021 <u>2023</u>	
5,000 to 49,999	\$ 250	41203
50,000 to 250,000	1,200	41204
250,001 to 1,000,000	2,950	41205
1,000,001 to 5,000,000	5,850	41206
5,000,001 to 10,000,000	8,800	41207
10,000,001 to 20,000,000	11,700	41208
20,000,001 to 100,000,000	14,050	41209
100,000,001 to 250,000,000	16,400	41210
250,000,001 or more	18,700	41211

(ii) In addition to the fee specified in the above schedule, 41212
an NPDES permit holder that is an industrial discharger classified 41213
as a major discharger during all or part of the annual discharge 41214
fee billing year specified in division (L)(3)(a)(ii) of this 41215
section shall pay a nonrefundable annual surcharge of seven 41216
thousand five hundred dollars not later than January 30, ~~2020~~2022, 41217
and not later than January 30, ~~2021~~2023. Any person who fails to 41218
pay the surcharge at that time shall pay an additional amount that 41219
equals ten per cent of the amount of the surcharge. 41220

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 41221
section, a public discharger, that is not a separate municipal 41222

storm sewer system, identified by I in the third character of the 41223
permittee's NPDES permit number and an industrial discharger 41224
identified by I, J, L, V, W, X, Y, or Z in the third character of 41225
the permittee's NPDES permit number shall pay a nonrefundable 41226
annual discharge fee of one hundred eighty dollars not later than 41227
January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any 41228
person who fails to pay the fee at that time shall pay an 41229
additional amount that equals ten per cent of the required fee. 41230

(4) Each person obtaining an NPDES permit for municipal storm 41231
water discharge shall pay a nonrefundable storm water annual 41232
discharge fee of ten dollars per one-tenth of a square mile of 41233
area permitted. The fee shall not exceed ten thousand dollars and 41234
shall be payable on or before January 30, 2004, and the thirtieth 41235
day of January of each year thereafter. Any person who fails to 41236
pay the fee on the date specified in division (L)(4) of this 41237
section shall pay an additional amount per year equal to ten per 41238
cent of the annual fee that is unpaid. 41239

(5) The director shall transmit all moneys collected under 41240
division (L) of this section to the treasurer of state for deposit 41241
into the state treasury to the credit of the surface water 41242
protection fund created in section 6111.038 of the Revised Code. 41243

(6) As used in this section: 41244

(a) "NPDES" means the federally approved national pollutant 41245
discharge elimination system individual and general program for 41246
issuing, modifying, revoking, reissuing, terminating, monitoring, 41247
and enforcing permits and imposing and enforcing pretreatment 41248
requirements under Chapter 6111. of the Revised Code and rules 41249
adopted under it. 41250

(b) "Public discharger" means any holder of an NPDES permit 41251
identified by P in the second character of the NPDES permit number 41252
assigned by the director. 41253

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 41254
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41256

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 41257
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(M) Through June 30, ~~2022~~2024, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 41261
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 41271
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(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is: 41274
41275
41276
41277
41278

Number of service connections	Fee amount	
Not more than 49	\$ 112	41280
50 to 99	176	41281
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	41283
2,500 to 4,999	1.48	41284

5,000 to 7,499	1.42	41285
7,500 to 9,999	1.34	41286
10,000 to 14,999	1.16	41287
15,000 to 24,999	1.10	41288
25,000 to 49,999	1.04	41289
50,000 to 99,999	.92	41290
100,000 to 149,999	.86	41291
150,000 to 199,999	.80	41292
200,000 or more	.76	41293

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	41307
150 to 299	176	41308
300 to 749	384	41309
750 to 1,499	628	41310
1,500 to 2,999	1,268	41311
3,000 to 7,499	2,816	41312
7,500 to 14,999	5,510	41313
15,000 to 22,499	9,048	41314
22,500 to 29,999	12,430	41315

30,000 or more 16,820 41317

As used in division (M)(2) of this section, "population 41318
served" means the total number of individuals having access to the 41319
water supply during a twenty-four-hour period for at least sixty 41320
days during any calendar year. In the absence of a specific 41321
population count, that number shall be calculated at the rate of 41322
three individuals per service connection. 41323

(3) For the initial license required under section 6109.21 of 41324
the Revised Code for any public water system that is not a 41325
community water system and serves a transient population, and for 41326
each license renewal required for such a system prior to January 41327
31, ~~2022~~2024, the fee is: 41328

Number of wells or sources, other 41329 than surface water, supplying system	Fee amount	
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1	\$112	41330
2	112	41331
3	176	41332
4	278	41333
5	568	41334

System designated as using a 41335 surface water source	792	41336
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As used in division (M)(3) of this section, "number of wells 41337
or sources, other than surface water, supplying system" means 41338
those wells or sources that are physically connected to the 41339
plumbing system serving the public water system. 41340

(4) A public water system designated as using a surface water 41341
source shall pay a fee of seven hundred ninety-two dollars or the 41342
amount calculated under division (M)(1) or (2) of this section, 41343
whichever is greater. 41344

(5) An applicant for an initial license who is proposing to 41345
operate a new public water supply system shall submit a fee that 41346
equals a prorated amount of the appropriate fee for the remainder 41347

of the licensing year. 41348

(N)(1) A person applying for a plan approval for a public 41349
water supply system under section 6109.07 of the Revised Code 41350
shall pay a fee of one hundred fifty dollars plus thirty-five 41351
hundredths of one per cent of the estimated project cost, except 41352
that the total fee shall not exceed twenty thousand dollars 41353
through June 30, ~~2022~~2024, and fifteen thousand dollars on and 41354
after July 1, ~~2022~~2024. The fee shall be paid at the time the 41355
application is submitted. 41356

(2) A person who has entered into an agreement with the 41357
director under division (A)(2) of section 6109.07 of the Revised 41358
Code shall pay an administrative service fee for each plan 41359
submitted under that section for approval that shall not exceed 41360
the minimum amount necessary to pay administrative costs directly 41361
attributable to processing plan approvals. The director annually 41362
shall calculate the fee and shall notify all persons that have 41363
entered into agreements under that division, or who have applied 41364
for agreements, of the amount of the fee. 41365

(3) Through June 30, ~~2022~~2024, the following fee, on a per 41366
survey basis, shall be charged any person for services rendered by 41367
the state in the evaluation of laboratories and laboratory 41368
personnel for compliance with accepted analytical techniques and 41369
procedures established pursuant to Chapter 6109. of the Revised 41370
Code for determining the qualitative characteristics of water: 41371

microbiological		41372
MMO-MUG	\$2,000	41373
MF	2,100	41374
MMO-MUG and MF	2,550	41375
organic chemical	5,400	41376
trace metals	5,400	41377
standard chemistry	2,800	41378
limited chemistry	1,550	41379

On and after July 1, ~~2022~~2024, the following fee, on a per
survey basis, shall be charged any such person:

microbiological	\$ 1,650	41382
organic chemicals	3,500	41383
trace metals	3,500	41384
standard chemistry	1,800	41385
limited chemistry	1,000	41386

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2022~~2024, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section: 41394

(a) "MF" means microfiltration. 41395

(b) "MMO" means minimal medium ONPG. 41396

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 41397

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 41398

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director to take an
examination for certification as an operator of a water supply
system or wastewater system under Chapter 6109. or 6111. of the
Revised Code that is administered by the director, at the time the
application is submitted, shall pay a fee in accordance with the
following schedule through November 30, ~~2022~~2024:

Class A operator	\$ 80	41409
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Class I operator	105	41410
Class II operator	120	41411
Class III operator	130	41412
Class IV operator	145	41413

On and after December 1, ~~2022~~2024, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	41416
Class I operator	70	41417
Class II operator	80	41418
Class III operator	90	41419
Class IV operator	100	41420

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	41429
Class I operator	35	41430
Class II operator	45	41431
Class III operator	55	41432
Class IV operator	65	41433

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	41439
Class I operator	55	41440
Class II operator	65	41441

Class III operator	75	41442
Class IV operator	85	41443

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this 41474
section, a person issued a permit by the director for a new solid 41475
waste disposal facility other than an incineration or composting 41476
facility, a new infectious waste treatment facility other than an 41477
incineration facility, or a modification of such an existing 41478
facility that includes an increase in the total disposal or 41479
treatment capacity of the facility pursuant to Chapter 3734. of 41480
the Revised Code shall pay a fee of ten dollars per thousand cubic 41481
yards of disposal or treatment capacity, or one thousand dollars, 41482
whichever is greater, except that the total fee for any such 41483
permit shall not exceed eighty thousand dollars. A person issued a 41484
modification of a permit for a solid waste disposal facility or an 41485
infectious waste treatment facility that does not involve an 41486
increase in the total disposal or treatment capacity of the 41487
facility shall pay a fee of one thousand dollars. A person issued 41488
a permit to install a new, or modify an existing, solid waste 41489
transfer facility under that chapter shall pay a fee of two 41490
thousand five hundred dollars. A person issued a permit to install 41491
a new or to modify an existing solid waste incineration or 41492
composting facility, or an existing infectious waste treatment 41493
facility using incineration as its principal method of treatment, 41494
under that chapter shall pay a fee of one thousand dollars. The 41495
increases in the permit fees under this division resulting from 41496
the amendments made by Amended Substitute House Bill 592 of the 41497
117th general assembly do not apply to any person who submitted an 41498
application for a permit to install a new, or modify an existing, 41499
solid waste disposal facility under that chapter prior to 41500
September 1, 1987; any such person shall pay the permit fee 41501
established in this division as it existed prior to June 24, 1988. 41502
In addition to the applicable permit fee under this division, a 41503
person issued a permit to install or modify a solid waste facility 41504
or an infectious waste treatment facility under that chapter who 41505
fails to pay the permit fee to the director in compliance with 41506

division (V) of this section shall pay an additional ten per cent 41507
of the amount of the fee for each week that the permit fee is 41508
late. 41509

Permit and late payment fees paid to the director under this 41510
division shall be credited to the general revenue fund. 41511

(R)(1) A person issued a registration certificate for a scrap 41512
tire collection facility under section 3734.75 of the Revised Code 41513
shall pay a fee of two hundred dollars, except that if the 41514
facility is owned or operated by a motor vehicle salvage dealer 41515
licensed under Chapter 4738. of the Revised Code, the person shall 41516
pay a fee of twenty-five dollars. 41517

(2) A person issued a registration certificate for a new 41518
scrap tire storage facility under section 3734.76 of the Revised 41519
Code shall pay a fee of three hundred dollars, except that if the 41520
facility is owned or operated by a motor vehicle salvage dealer 41521
licensed under Chapter 4738. of the Revised Code, the person shall 41522
pay a fee of twenty-five dollars. 41523

(3) A person issued a permit for a scrap tire storage 41524
facility under section 3734.76 of the Revised Code shall pay a fee 41525
of one thousand dollars, except that if the facility is owned or 41526
operated by a motor vehicle salvage dealer licensed under Chapter 41527
4738. of the Revised Code, the person shall pay a fee of fifty 41528
dollars. 41529

(4) A person issued a permit for a scrap tire monocell or 41530
monofill facility under section 3734.77 of the Revised Code shall 41531
pay a fee of ten dollars per thousand cubic yards of disposal 41532
capacity or one thousand dollars, whichever is greater, except 41533
that the total fee for any such permit shall not exceed eighty 41534
thousand dollars. 41535

(5) A person issued a registration certificate for a scrap 41536
tire recovery facility under section 3734.78 of the Revised Code 41537

shall pay a fee of one hundred dollars. 41538

(6) A person issued a permit for a scrap tire recovery 41539
facility under section 3734.78 of the Revised Code shall pay a fee 41540
of one thousand dollars. 41541

(7) In addition to the applicable registration certificate or 41542
permit fee under divisions (R)(1) to (6) of this section, a person 41543
issued a registration certificate or permit for any such scrap 41544
tire facility who fails to pay the registration certificate or 41545
permit fee to the director in compliance with division (V) of this 41546
section shall pay an additional ten per cent of the amount of the 41547
fee for each week that the fee is late. 41548

(8) The registration certificate, permit, and late payment 41549
fees paid to the director under divisions (R)(1) to (7) of this 41550
section shall be credited to the scrap tire management fund 41551
created in section 3734.82 of the Revised Code. 41552

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 41553
(P), and (S)(2) of this section, division (A)(2) of section 41554
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 41555
and rules adopted under division (T)(1) of this section, any 41556
person applying for a registration certificate under section 41557
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 41558
variance, or plan approval under Chapter 3734. of the Revised Code 41559
shall pay a nonrefundable fee of fifteen dollars at the time the 41560
application is submitted. 41561~~

~~(b)~~ Except as otherwise provided, any person applying for a 41562
permit, variance, or plan approval under Chapter 6109. or 6111. of 41563
the Revised Code shall pay a nonrefundable application fee of one 41564
hundred dollars at the time the application is submitted through 41565
June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen 41566
dollars at the time the application is submitted on and after July 41567
1, ~~2022~~2024. 41568

~~(e)(i)(b)(i)~~ Except as otherwise provided in divisions 41569
~~(S)(1)(e)(iii)(S)(1)(b)(iii)~~ and (iv) of this section, through 41570
June 30, ~~2022~~2024, any person applying for an NPDES permit under 41571
Chapter 6111. of the Revised Code shall pay a nonrefundable 41572
application fee of two hundred dollars at the time of application 41573
for the permit. On and after July 1, ~~2022~~2024, such a person shall 41574
pay a nonrefundable application fee of fifteen dollars at the time 41575
of application. 41576

(ii) In addition to the nonrefundable application fee, any 41577
person applying for an NPDES permit under Chapter 6111. of the 41578
Revised Code shall pay a design flow discharge fee based on each 41579
point source to which the issuance is applicable in accordance 41580
with the following schedule: 41581

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	41583
1,001 to 5,000	100	41584
5,001 to 50,000	200	41585
50,001 to 100,000	300	41586
100,001 to 300,000	525	41587
over 300,000	750	41588

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 41589
(ii) of this section, the application and design flow discharge 41590
fee for an NPDES permit for a public discharger identified by the 41591
letter I in the third character of the NPDES permit number shall 41592
not exceed nine hundred fifty dollars. 41593

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 41594
(ii) of this section, the application and design flow discharge 41595
fee for an NPDES permit for a coal mining operation regulated 41596
under Chapter 1513. of the Revised Code shall not exceed four 41597
hundred fifty dollars per mine. 41598

(v) A person issued a modification of an NPDES permit shall 41599
pay a nonrefundable modification fee equal to the application fee 41600

and one-half the design flow discharge fee based on each point 41601
source, if applicable, that would be charged for an NPDES permit, 41602
except that the modification fee shall not exceed six hundred 41603
dollars. 41604

~~(d)~~(c) In addition to the application fee established under 41605
division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this section, any person 41606
applying for an NPDES general storm water construction permit 41607
shall pay a nonrefundable fee of twenty dollars per acre for each 41608
acre that is permitted above five acres at the time the 41609
application is submitted. However, the per acreage fee shall not 41610
exceed three hundred dollars. In addition to the application fee 41611
established under division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this 41612
section, any person applying for an NPDES general storm water 41613
industrial permit shall pay a nonrefundable fee of one hundred 41614
fifty dollars at the time the application is submitted. 41615

~~(e)~~(d) The director shall transmit all moneys collected under 41616
division (S)(1) of this section pursuant to Chapter 6109. of the 41617
Revised Code to the treasurer of state for deposit into the 41618
drinking water protection fund created in section 6109.30 of the 41619
Revised Code. 41620

~~(f)~~(e) The director shall transmit all moneys collected under 41621
division (S)(1) of this section pursuant to Chapter 6111. of the 41622
Revised Code and under division ~~(S)(3)~~(S)(2) of this section to 41623
the treasurer of state for deposit into the surface water 41624
protection fund created in section 6111.038 of the Revised Code. 41625

~~(g) If a registration certificate is issued under section 41626
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 41627
the application fee paid shall be deducted from the amount of the 41628
registration certificate fee due under division (R)(1), (2), or 41629
(5) of this section, as applicable. 41630~~

~~(h)~~(f) If a person submits an electronic application for a 41631

registration certificate, permit, variance, or plan approval for 41632
which an application fee is established under division (S)(1) of 41633
this section, the person shall pay all applicable fees as 41634
expeditiously as possible after the submission of the electronic 41635
application. An application for a registration certificate, 41636
permit, variance, or plan approval for which an application fee is 41637
established under division (S)(1) of this section shall not be 41638
reviewed or processed until the applicable application fee, and 41639
any other fees established under this division, are paid. 41640

~~(2) Division (S)(1) of this section does not apply to an 41641
application for a registration certificate for a scrap tire 41642
collection or storage facility submitted under section 3734.75 or 41643
3734.76 of the Revised Code, as applicable, if the owner or 41644
operator of the facility or proposed facility is a motor vehicle 41645
salvage dealer licensed under Chapter 4738. of the Revised Code. 41646~~

~~(3)~~ A person applying for coverage under an NPDES general 41647
discharge permit for household sewage treatment systems shall pay 41648
the following fees: 41649

(a) A nonrefundable fee of two hundred dollars at the time of 41650
application for initial permit coverage; 41651

(b) A nonrefundable fee of one hundred dollars at the time of 41652
application for a renewal of permit coverage. 41653

(T) The director may adopt, amend, and rescind rules in 41654
accordance with Chapter 119. of the Revised Code that do all of 41655
the following: 41656

(1) Prescribe fees to be paid by applicants for and holders 41657
of any license, permit, variance, plan approval, or certification 41658
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 41659
the Revised Code that are not specifically established in this 41660
section. The fees shall be designed to defray the cost of 41661
processing, issuing, revoking, modifying, denying, and enforcing 41662

the licenses, permits, variances, plan approvals, and 41663
certifications. 41664

The director shall transmit all moneys collected under rules 41665
adopted under division (T)(1) of this section pursuant to Chapter 41666
6109. of the Revised Code to the treasurer of state for deposit 41667
into the drinking water protection fund created in section 6109.30 41668
of the Revised Code. 41669

The director shall transmit all moneys collected under rules 41670
adopted under division (T)(1) of this section pursuant to Chapter 41671
6111. of the Revised Code to the treasurer of state for deposit 41672
into the surface water protection fund created in section 6111.038 41673
of the Revised Code. 41674

(2) Exempt the state and political subdivisions thereof, 41675
including education facilities or medical facilities owned by the 41676
state or a political subdivision, or any person exempted from 41677
taxation by section 5709.07 or 5709.12 of the Revised Code, from 41678
any fee required by this section; 41679

(3) Provide for the waiver of any fee, or any part thereof, 41680
otherwise required by this section whenever the director 41681
determines that the imposition of the fee would constitute an 41682
unreasonable cost of doing business for any applicant, class of 41683
applicants, or other person subject to the fee; 41684

(4) Prescribe measures that the director considers necessary 41685
to carry out this section. 41686

(U) When the director reasonably demonstrates that the direct 41687
cost to the state associated with the issuance of a permit, 41688
license, variance, plan approval, or certification exceeds the fee 41689
for the issuance or review specified by this section, the director 41690
may condition the issuance or review on the payment by the person 41691
receiving the issuance or review of, in addition to the fee 41692
specified by this section, the amount, or any portion thereof, in 41693

excess of the fee specified under this section. The director shall 41694
not so condition issuances for which a fee is prescribed in 41695
division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section. 41696

(V) Except as provided in divisions (L), (M), (P), and (S) of 41697
this section or unless otherwise prescribed by a rule of the 41698
director adopted pursuant to Chapter 119. of the Revised Code, all 41699
fees required by this section are payable within thirty days after 41700
the issuance of an invoice for the fee by the director or the 41701
effective date of the issuance of the license, permit, variance, 41702
plan approval, or certification. If payment is late, the person 41703
responsible for payment of the fee shall pay an additional ten per 41704
cent of the amount due for each month that it is late. 41705

(W) As used in this section, "fuel-burning equipment," 41706
"fuel-burning equipment input capacity," "incinerator," 41707
"incinerator input capacity," "process," "process weight rate," 41708
"storage tank," "gasoline dispensing facility," "dry cleaning 41709
facility," "design flow discharge," and "new source treatment 41710
works" have the meanings ascribed to those terms by applicable 41711
rules or standards adopted by the director under Chapter 3704. or 41712
6111. of the Revised Code. 41713

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 41714
(J) of this section, and in any other provision of this section 41715
pertaining to fees paid pursuant to Chapter 3704. of the Revised 41716
Code: 41717

(1) "Facility," "federal Clean Air Act," "person," and "Title 41718
V permit" have the same meanings as in section 3704.01 of the 41719
Revised Code. 41720

(2) "Title V permit program" means the following activities 41721
as necessary to meet the requirements of Title V of the federal 41722
Clean Air Act and 40 C.F.R. part 70, including at least: 41723

(a) Preparing and adopting, if applicable, generally 41724

applicable rules or guidance regarding the permit program or its implementation or enforcement;	41725 41726
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	41727 41728 41729 41730
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	41731 41732 41733
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	41734 41735 41736
(e) Emission and ambient monitoring;	41737
(f) Modeling, analyses, or demonstrations;	41738
(g) Preparing inventories and tracking emissions;	41739
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	41740 41741 41742 41743 41744 41745 41746
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	41747 41748 41749
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the	41750 41751 41752 41753 41754

sewage sludge facility treats or disposes of in this state. The 41755
annual volume of sewage sludge treated or disposed of by a sewage 41756
sludge facility shall be calculated using the first day of January 41757
through the thirty-first day of December of the calendar year 41758
preceding the date on which payment of the fee is due. 41759

(2)(a) Except as provided in division (Y)(2)(d) of this 41760
section, each sewage sludge facility shall pay a minimum annual 41761
sewage sludge fee of one hundred dollars. 41762

(b) The annual sludge fee required to be paid by a sewage 41763
sludge facility that treats or disposes of exceptional quality 41764
sludge in this state shall be thirty-five per cent less per dry 41765
ton of exceptional quality sludge than the fee assessed under 41766
division (Y)(1) of this section, subject to the following 41767
exceptions: 41768

(i) Except as provided in division (Y)(2)(d) of this section, 41769
a sewage sludge facility that treats or disposes of exceptional 41770
quality sludge shall pay a minimum annual sewage sludge fee of one 41771
hundred dollars. 41772

(ii) A sewage sludge facility that treats or disposes of 41773
exceptional quality sludge shall not be required to pay the annual 41774
sludge fee for treatment or disposal in this state of exceptional 41775
quality sludge generated outside of this state and contained in 41776
bags or other containers not greater than one hundred pounds in 41777
capacity. 41778

A thirty-five per cent reduction for exceptional quality 41779
sludge applies to the maximum annual fees established under 41780
division (Y)(3) of this section. 41781

(c) A sewage sludge facility that transfers sewage sludge to 41782
another sewage sludge facility in this state for further treatment 41783
prior to disposal in this state shall not be required to pay the 41784
annual sludge fee for the tons of sewage sludge that have been 41785

transferred. In such a case, the sewage sludge facility that 41786
disposes of the sewage sludge shall pay the annual sludge fee. 41787
However, the facility transferring the sewage sludge shall pay the 41788
one-hundred-dollar minimum fee required under division (Y)(2)(a) 41789
of this section. 41790

In the case of a sewage sludge facility that treats sewage 41791
sludge in this state and transfers it out of this state to another 41792
entity for disposal, the sewage sludge facility in this state 41793
shall be required to pay the annual sludge fee for the tons of 41794
sewage sludge that have been transferred. 41795

(d) A sewage sludge facility that generates sewage sludge 41796
resulting from an average daily discharge flow of less than five 41797
thousand gallons per day is not subject to the fees assessed under 41798
division (Y) of this section. 41799

(3) No sewage sludge facility required to pay the annual 41800
sludge fee shall be required to pay more than the maximum annual 41801
fee for each disposal method that the sewage sludge facility uses. 41802
The maximum annual fee does not include the additional amount that 41803
may be charged under division (Y)(5) of this section for late 41804
payment of the annual sludge fee. The maximum annual fee for the 41805
following methods of disposal of sewage sludge is as follows: 41806

(a) Incineration: five thousand dollars; 41807

(b) Preexisting land reclamation project or disposal in a 41808
landfill: five thousand dollars; 41809

(c) Land application, land reclamation, surface disposal, or 41810
any other disposal method not specified in division (Y)(3)(a) or 41811
(b) of this section: twenty thousand dollars. 41812

(4)(a) In the case of an entity that generates sewage sludge 41813
or a sewage sludge facility that treats sewage sludge and 41814
transfers the sewage sludge to an incineration facility for 41815
disposal, the incineration facility, and not the entity generating 41816

the sewage sludge or the sewage sludge facility treating the 41817
sewage sludge, shall pay the annual sludge fee for the tons of 41818
sewage sludge that are transferred. However, the entity or 41819
facility generating or treating the sewage sludge shall pay the 41820
one-hundred-dollar minimum fee required under division (Y)(2)(a) 41821
of this section. 41822

(b) In the case of an entity that generates sewage sludge and 41823
transfers the sewage sludge to a landfill for disposal or to a 41824
sewage sludge facility for land reclamation or surface disposal, 41825
the entity generating the sewage sludge, and not the landfill or 41826
sewage sludge facility, shall pay the annual sludge fee for the 41827
tons of sewage sludge that are transferred. 41828

(5) Not later than the first day of April of the calendar 41829
year following March 17, 2000, and each first day of April 41830
thereafter, the director shall issue invoices to persons who are 41831
required to pay the annual sludge fee. The invoice shall identify 41832
the nature and amount of the annual sludge fee assessed and state 41833
the first day of May as the deadline for receipt by the director 41834
of objections regarding the amount of the fee and the first day of 41835
July as the deadline for payment of the fee. 41836

Not later than the first day of May following receipt of an 41837
invoice, a person required to pay the annual sludge fee may submit 41838
objections to the director concerning the accuracy of information 41839
regarding the number of dry tons of sewage sludge used to 41840
calculate the amount of the annual sludge fee or regarding whether 41841
the sewage sludge qualifies for the exceptional quality sludge 41842
discount established in division (Y)(2)(b) of this section. The 41843
director may consider the objections and adjust the amount of the 41844
fee to ensure that it is accurate. 41845

If the director does not adjust the amount of the annual 41846
sludge fee in response to a person's objections, the person may 41847
appeal the director's determination in accordance with Chapter 41848

119. of the Revised Code. 41849

Not later than the first day of June, the director shall 41850
notify the objecting person regarding whether the director has 41851
found the objections to be valid and the reasons for the finding. 41852
If the director finds the objections to be valid and adjusts the 41853
amount of the annual sludge fee accordingly, the director shall 41854
issue with the notification a new invoice to the person 41855
identifying the amount of the annual sludge fee assessed and 41856
stating the first day of July as the deadline for payment. 41857

Not later than the first day of July, any person who is 41858
required to do so shall pay the annual sludge fee. Any person who 41859
is required to pay the fee, but who fails to do so on or before 41860
that date shall pay an additional amount that equals ten per cent 41861
of the required annual sludge fee. 41862

(6) The director shall transmit all moneys collected under 41863
division (Y) of this section to the treasurer of state for deposit 41864
into the surface water protection fund created in section 6111.038 41865
of the Revised Code. The moneys shall be used to defray the costs 41866
of administering and enforcing provisions in Chapter 6111. of the 41867
Revised Code and rules adopted under it that govern the use, 41868
storage, treatment, or disposal of sewage sludge. 41869

(7) Beginning in fiscal year 2001, and every two years 41870
thereafter, the director shall review the total amount of moneys 41871
generated by the annual sludge fees to determine if that amount 41872
exceeded six hundred thousand dollars in either of the two 41873
preceding fiscal years. If the total amount of moneys in the fund 41874
exceeded six hundred thousand dollars in either fiscal year, the 41875
director, after review of the fee structure and consultation with 41876
affected persons, shall issue an order reducing the amount of the 41877
fees levied under division (Y) of this section so that the 41878
estimated amount of moneys resulting from the fees will not exceed 41879
six hundred thousand dollars in any fiscal year. 41880

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

meets all of the following qualifications:	41912
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	41913 41914
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	41915 41916
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	41917 41918
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	41919 41920
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	41921 41922 41923
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	41924 41925 41926
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	41927 41928 41929 41930 41931
(g) "Land reclamation" means the returning of disturbed land to productive use.	41932 41933
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	41934 41935 41936 41937
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	41938 41939 41940 41941

(j) "Incineration facility" includes all incinerators owned 41942
or operated by the same entity and located on a contiguous tract 41943
of land. Areas of land are considered to be contiguous even if 41944
they are separated by a public road or highway. 41945

(k) "Annual sludge fee" means the fee assessed under division 41946
(Y)(1) of this section. 41947

(l) "Landfill" means a sanitary landfill facility, as defined 41948
in rules adopted under section 3734.02 of the Revised Code, that 41949
is licensed under section 3734.05 of the Revised Code. 41950

(m) "Preexisting land reclamation project" means a 41951
property-specific land reclamation project that has been in 41952
continuous operation for not less than five years pursuant to 41953
approval of the activity by the director and includes the 41954
implementation of a community outreach program concerning the 41955
activity. 41956

Sec. 3746.01. As used in this chapter: 41957

(A) "Accredited laboratory" means a laboratory that is 41958
accredited as follows: 41959

(1) For analysis of asbestos, valid accreditation by one of 41960
the following: 41961

(a) The American industrial hygiene association, asbestos 41962
analysts registry; 41963

(b) The national institute of standards technology, national 41964
voluntary laboratory accreditation program for asbestos fiber 41965
analysis; 41966

(c) An accreditation body recognized by the national 41967
environmental laboratory accreditation conference. 41968

(2) For analysis of any constituent other than asbestos, 41969
valid accreditation by one of the following: 41970

<u>(a) The national environmental laboratory accreditation program;</u>	41971 41972
<u>(b) A national environmental laboratory accreditation program accreditation from an accreditation body recognized by the national environmental laboratory accreditation conference.</u>	41973 41974 41975
<u>(B)</u> "Activity and use limitations" has the same meaning as in section 5301.80 of the Revised Code.	41976 41977
(B) <u>(C)</u> "Affiliated" means under common ownership or control.	41978
(C) <u>(D)</u> "Applicable standards," unless the context indicates otherwise, means standards <u>that applied before the effective date of this amendment, standards</u> established in or pursuant to sections 3746.05, <u>and</u> 3746.06, and 3746.07 of the Revised Code, in or pursuant to rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code, pursuant to rules adopted under division (B)(12) <u>(B)(11)(b)</u> of section 3746.04 of the Revised Code, or alternative standards and terms and conditions set forth in a variance issued under section 3746.09 of the Revised Code, as applicable.	41979 41980 41981 41982 41983 41984 41985 41986 41987 41988
(D) <u>(E)</u> "Background level" means the conditions at a property and areas surrounding a property that are unaffected by any current or past activities involving treatment, storage, or disposal of hazardous substances or petroleum. "Background level" includes naturally occurring substances.	41989 41990 41991 41992 41993
(E) <u>(F)</u> "Certified laboratory" means a laboratory <u>that was</u> certified by the director of environmental protection pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code, to perform analyses in connection with voluntary actions <u>before the effective date of this amendment.</u>	41994 41995 41996 41997 41998 41999 42000
(F) <u>(G)</u> "Certified professional" means a person certified by	42001

the director pursuant to rules adopted under division (B)(5) of 42002
section 3746.04 of the Revised Code, or deemed to be certified 42003
~~under division (D) of section 3746.07 of the Revised Code~~ before 42004
the effective date of this amendment, to issue no further action 42005
letters under section 3746.11 of the Revised Code. 42006

~~(G)~~(H) "Covenant not to sue" means a release from liability 42007
that is issued by the director under section 3746.12 of the 42008
Revised Code. 42009

~~(H)~~(I) "Environmental covenant" has the same meaning as in 42010
section 5301.80 of the Revised Code. 42011

~~(I)~~(J) "Hazardous substance" includes all of the following: 42012

(1) Any substance identified or listed in rules adopted under 42013
division (B)(1)(c) of section 3750.02 of the Revised Code; 42014

(2) Any product registered as a pesticide under section 42015
921.02 of the Revised Code when the product is used in a manner 42016
inconsistent with its required labeling; 42017

(3) Any product formerly registered as a pesticide under that 42018
section for which the registration was suspended or canceled under 42019
section 921.05 of the Revised Code; 42020

(4) Any mixture of a substance described in divisions 42021
~~(I)~~(J)(1) to (3) of this section with a radioactive material. 42022

~~(J)~~(K) "Owner or operator" includes both of the following: 42023

(1) Any person owning or holding a legal, equitable, or 42024
possessory interest in or having responsibility for the daily 42025
activities on a property; 42026

(2) In the case of property title or control of which was 42027
conveyed due to bankruptcy, foreclosure, tax delinquency, 42028
abandonment, or similar means to this state or a political 42029
subdivision of this state, any person who owned, operated, or 42030
otherwise controlled activities occurring on the property before 42031

the conveyance. 42032

~~(K)~~(L) "Person" means any person as defined in section 1.59 42033
of the Revised Code and also includes this state, any political 42034
subdivision of this state, any other body of this state or of a 42035
political subdivision of this state, the board of directors of a 42036
nonprofit corporation governing a special improvement district 42037
created under Chapter 1710. of the Revised Code, and the United 42038
States and any agency or instrumentality thereof. 42039

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in 42040
any form, including, without limitation, crude oil or any fraction 42041
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 42042
refuse, used oil, substances or additives utilized in the refining 42043
or blending of crude petroleum or petroleum stock, natural gas, 42044
natural gas liquids, liquefied natural gas, synthetic gas usable 42045
for fuel, and mixtures of natural gas and synthetic gas. 42046

~~(M)~~(N) "Property," except for the purposes of sections 42047
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 42048
parcel of real property, or portion thereof, and any improvements 42049
thereto, the limits of which have been described in writing by the 42050
owner of record or a legally appointed representative of the owner 42051
and that is or has been the subject of a voluntary action under 42052
this chapter and rules adopted under it. 42053

~~(N)~~(O) "Radioactive material" means a substance that 42054
spontaneously emits ionizing radiation. 42055

~~(O)~~(P) "Related" means the persons are related by 42056
consanguinity or marriage. 42057

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, 42058
pouring, emitting, emptying, discharging, injecting, escaping, 42059
leaching, migrating, dumping, or disposing of any hazardous 42060
substance or petroleum into the environment, including, without 42061
limitation, the abandonment or discarding of barrels, containers, 42062

or any other closed receptacle containing any hazardous substance, 42063
petroleum, or pollutant or contaminant. "Release" does not include 42064
any of the following: 42065

(1) Any release that results solely in the exposure of 42066
individuals to hazardous substances or petroleum in the workplace 42067
with respect to which those individuals may assert a claim against 42068
their employer and that is regulated under the "Occupational 42069
Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as 42070
amended, and regulations adopted under that act, or under Chapter 42071
4167. of the Revised Code and rules adopted under it; 42072

(2) Emissions from the engine exhaust of a motor vehicle, 42073
rolling stock, aircraft, vessel, or pipeline pumping station 42074
engine; 42075

(3) Any release of a source, byproduct, or special nuclear 42076
material from a nuclear incident, as "source material," "byproduct 42077
material," "special nuclear material," and "nuclear incident" are 42078
defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 42079
U.S.C.A. 2011, as amended, if the release is subject to financial 42080
protection requirements under section 170 of that act unless any 42081
such material is mixed with a hazardous substance or petroleum; 42082

(4) Any federally permitted release as defined in section 42083
101(10) of the "Comprehensive Environmental Response, 42084
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 42085
U.S.C.A. 9601, as amended; 42086

(5) The normal application of a fertilizer material that is 42087
intended to improve the quality or quantity of plant growth. 42088

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 42089
are taken at a property to treat, remove, transport for treatment 42090
or disposal, dispose of, contain, or control hazardous substances 42091
or petroleum, are protective of public health and safety and the 42092
environment, and are consistent with a permanent remedy, 42093

including, without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or activity and use limitations, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code.

~~(R)~~(S) "Voluntary action" means a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards. "Voluntary action" may include, without limitation, a phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code or ~~division (B) of~~ section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, a phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code or ~~division (C) of~~ section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, and a sampling plan, a remedial plan, or remedial activities followed by the issuance of a no further action letter under section 3746.11 of the Revised Code indicating that the property meets applicable standards upon demonstration by the person undertaking the measures either that there is no information indicating that there has been a release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved in accordance with this chapter and rules adopted under it.

Sec. 3746.04. ~~Within one year after September 28, 1994, the~~

The director of environmental protection, in accordance with 42126
Chapter 119. of the Revised Code, shall adopt, and subsequently 42127
may amend, suspend, or rescind, rules that do both of the 42128
following: 42129

(A) Revise the rules adopted under Chapters 3704., 3714., 42130
3734., 6109., and 6111. of the Revised Code to incorporate the 42131
provisions necessary to conform those rules to the requirements of 42132
this chapter. The amended rules adopted under this division also 42133
shall establish response times for all submittals to the 42134
environmental protection agency required under this chapter or 42135
rules adopted under it. 42136

(B) Establish requirements and procedures that are reasonably 42137
necessary for the implementation and administration of this 42138
chapter, including, without limitation, all of the following: 42139

(1) Appropriate generic numerical clean-up standards for the 42140
treatment or removal of soils, sediments, and water media for 42141
hazardous substances and petroleum. The rules shall establish 42142
separate generic numerical clean-up standards based upon the 42143
intended use of properties after the completion of voluntary 42144
actions, including industrial, commercial, and residential uses 42145
and such other categories of land use as the director considers to 42146
be appropriate. The generic numerical clean-up standards 42147
established for each category of land use shall be the 42148
concentration of each contaminant that may be present on a 42149
property that shall ensure protection of public health and safety 42150
and the environment for the reasonable exposure for that category 42151
of land use. When developing the standards, the director shall 42152
consider such factors as all of the following: 42153

(a) Scientific information, including, without limitation, 42154
toxicological information and realistic assumptions regarding 42155
human and environmental exposure to hazardous substances or 42156
petroleum; 42157

(b) Climatic factors;	42158
(c) Human activity patterns;	42159
(d) Current statistical techniques;	42160
(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.	42161 42162
The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.	42163 42164 42165 42166 42167 42168 42169 42170 42171 42172 42173 42174 42175 42176
In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.	42177 42178 42179 42180 42181
The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.	42182 42183 42184 42185
(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in	42186 42187 42188

protection of public health and safety and the environment instead 42189
of complying with the generic numerical clean-up standards 42190
established in the rules adopted under division (B)(1) of this 42191
section. The risk assessment procedures shall describe a 42192
methodology to establish, on a property-specific basis, allowable 42193
levels of contamination to remain at a property to ensure 42194
protection of public health and safety and the environment on the 42195
property and off the property when the contamination is emanating 42196
off the property, taking into account all of the following: 42197

(i) The implementation of treatment, storage, or disposal, or 42198
a combination thereof, of hazardous substances or petroleum; 42199

(ii) The existence of institutional controls or activity and 42200
use limitations that eliminate or mitigate exposure to hazardous 42201
substances or petroleum through the restriction of access to 42202
hazardous substances or petroleum; 42203

(iii) The existence of engineering controls that eliminate or 42204
mitigate exposure to hazardous substances or petroleum through 42205
containment of, control of, or restrictions of access to hazardous 42206
substances or petroleum, including, without limitation, fences, 42207
cap systems, cover systems, and landscaping. 42208

(b) The risk assessment procedures and levels of acceptable 42209
risk set forth in the rules adopted under division (B)(2) of this 42210
section shall be based upon all of the following: 42211

(i) Scientific information, including, without limitation, 42212
toxicological information and actual or proposed human and 42213
environmental exposure; 42214

(ii) Locational and climatic factors; 42215

(iii) Surrounding land use and human activities; 42216

(iv) Differing levels of remediation that may be required 42217
when an existing land use is continued compared to when a 42218

different land use follows the remediation. 42219

(c) Any standards established pursuant to rules adopted under 42220
division (B)(2) of this section shall be no more stringent than 42221
standards established under the environmental statutes of this 42222
state and rules adopted under them for the same contaminant in the 42223
same environmental medium that are in effect at the time the risk 42224
assessment is conducted. 42225

(3) Minimum standards for phase I property assessments. The 42226
standards shall specify the information needed to demonstrate that 42227
there is no reason to believe that contamination exists on a 42228
property. The rules adopted under division (B)(3) of this section, 42229
at a minimum, shall require that a phase I property assessment 42230
include all of the following: 42231

(a) A review and analysis of deeds, mortgages, easements of 42232
record, and similar documents relating to the chain of title to 42233
the property that are publicly available or that are known to and 42234
reasonably available to the owner or operator; 42235

(b) A review and analysis of any previous environmental 42236
assessments, property assessments, environmental studies, or 42237
geologic studies of the property and any land within two thousand 42238
feet of the boundaries of the property that are publicly available 42239
or that are known to and reasonably available to the owner or 42240
operator; 42241

(c) A review of current and past environmental compliance 42242
histories of persons who owned or operated the property; 42243

(d) A review of aerial photographs of the property that 42244
indicate prior uses of the property; 42245

(e) Interviews with managers of activities conducted at the 42246
property who have knowledge of environmental conditions at the 42247
property; 42248

(f) Conducting an inspection of the property consisting of a walkover;

(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.

The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I property assessment wishes to obtain a covenant not to sue under section 3746.12 of the Revised Code.

(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include all of the following:

(a) A review and analysis of all documentation prepared in connection with a phase I property assessment conducted within the one hundred eighty days before the phase II property assessment begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the

change in the environmental condition of the property during the intervening period.	42281 42282
(b) Quality assurance objectives for measurements taken in connection with a phase II assessment;	42283 42284
(c) Sampling procedures to ensure the representative sampling of potentially contaminated environmental media;	42285 42286
(d) Quality assurance and quality control requirements for samples collected in connection with phase II assessments;	42287 42288
(e) Analytical and data assessment procedures;	42289
(f) Data objectives to ensure that samples collected in connection with phase II assessments are biased toward areas where information indicates that contamination by hazardous substances or petroleum is likely to exist.	42290 42291 42292 42293
(5) Standards governing the conduct of certified professionals, criteria and procedures for the certification of professionals to issue no further action letters under section 3746.11 of the Revised Code, and criteria for the suspension and revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection agency's web site and in the agency's weekly review not later than fifteen days after the date of the issuance, denial, renewal, suspension, or revocation of the certification and not later than thirty days before a hearing or public meeting concerning the action.	42294 42295 42296 42297 42298 42299 42300 42301 42302 42303 42304 42305 42306 42307 42308 42309
The rules adopted under division (B)(5) of this section shall do all of the following:	42310 42311

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;

(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment in order to

determine if they comply with the criteria established in rules 42343
adopted under division (B)(5) of this section. The rules adopted 42344
under division (B)(5)(c) of this section shall do at least all of 42345
the following: 42346

(i) Ensure that the review is conducted in a timely fashion; 42347

(ii) Require the director to certify any such environmental 42348
professional who the director determines complies with those 42349
criteria; 42350

(iii) Require any such environmental professional initially 42351
to pay the fee established in the rules adopted under division 42352
(B)(5)(b) of this section at the time that the environmental 42353
professional is so certified by the director; 42354

(iv) Establish a time period within which any such 42355
environmental professional who does not comply with those criteria 42356
may obtain the credentials that are necessary for certification; 42357

(v) Require the director to deny certification for any such 42358
environmental professional who does not comply with those criteria 42359
and who fails to obtain the necessary credentials within the 42360
established time period. 42361

(d) Require that any information submitted to the director 42362
for the purposes of the rules adopted under division (B)(5)(a) or 42363
(c) of this section comply with division (A) of section 3746.20 of 42364
the Revised Code; 42365

(e) Authorize the director to suspend or revoke the 42366
certification of an environmental professional if the director 42367
finds that the environmental professional's performance has 42368
resulted in the issuance of no further action letters under 42369
section 3746.11 of the Revised Code that are not consistent with 42370
applicable standards or finds that the certified environmental 42371
professional has not substantially complied with section 3746.31 42372
of the Revised Code; 42373

(f) Authorize the director to suspend for a period of not 42374
more than five years or to permanently revoke a certified 42375
environmental professional's certification for any violation of or 42376
failure to comply with an ethical standard established in rules 42377
adopted under division (B)(5) of this section; 42378

(g) Require the director to revoke the certification of an 42379
environmental professional if the director finds that the 42380
environmental professional falsified any information on the 42381
environmental professional's application for certification 42382
regarding the environmental professional's credentials or 42383
qualifications or any other information generated for the purposes 42384
of or use under this chapter or rules adopted under it; 42385

(h) Require the director permanently to revoke the 42386
certification of an environmental professional who has violated or 42387
is violating division (A) of section 3746.18 of the Revised Code; 42388

(i) Preclude the director from revoking the certification of 42389
an environmental professional who only conducts investigations and 42390
remedies at property contaminated solely with petroleum unless the 42391
director first consults with the director of commerce. 42392

~~(6) Criteria and procedures for the certification of 42393
laboratories to perform analyses under this chapter and rules 42394
adopted under it. The issuance, denial, suspension, and revocation 42395
of those certifications are subject to Chapter 3745. of the 42396
Revised Code, and the director of environmental protection shall 42397
take any such action regarding a certification as a final action. 42398~~

~~The rules adopted under division (B)(6) of this section shall 42399
do all of the following: 42400~~

~~(a) Provide for the certification to perform analyses of 42401
laboratories in accordance with the criteria and procedures 42402
established in the rules adopted under division (B)(6)(a) of this 42403
section and establish an annual fee to be paid by those 42404~~

~~laboratories. The fee shall be established at an amount calculated 42405
to defray the costs to the agency for the review of the 42406
qualifications of those laboratories for certification and for the 42407
issuance of the certifications. The rules adopted under division 42408
(B)(6)(a) of this section may provide for the certification of 42409
those laboratories to perform only particular types or categories 42410
of analyses, specific test parameters or group of test parameters, 42411
or a specific matrix or matrices under this chapter. 42412~~

~~(b) Develop a schedule for and establish requirements 42413
governing the review by the director of the operations of 42414
laboratories that were deemed to be certified laboratories under 42415
division (E) of section 3746.07 of the Revised Code in order to 42416
determine if they comply with the criteria established in rules 42417
adopted under division (B)(6) of this section. The rules adopted 42418
under division (B)(6)(b) of this section shall do at least all of 42419
the following: 42420~~

~~(i) Ensure that the review is conducted in a timely fashion; 42421~~

~~(ii) Require the director to certify any such laboratory that 42422
the director determines complies with those criteria; 42423~~

~~(iii) Require any such laboratory initially to pay the fee 42424
established in the rules adopted under division (B)(6)(a) of this 42425
section at the time that the laboratory is so certified by the 42426
director; 42427~~

~~(iv) Establish a time period within which any such laboratory 42428
that does not comply with those criteria may make changes in its 42429
operations necessary for the performance of analyses under this 42430
chapter and rules adopted under it in order to be certified by the 42431
director; 42432~~

~~(v) Require the director to deny certification for any such 42433
laboratory that does not comply with those criteria and that fails 42434
to make the necessary changes in its operations within the 42435~~

~~established time period.~~ 42436

~~(c) Require that any information submitted to the director
for the purposes of the rules adopted under division (B)(6)(a) or
(b) of this section comply with division (A) of section 3746.20 of
the Revised Code;~~ 42437
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~~(d) Authorize the director to suspend or revoke the
certification of a laboratory if the director finds that the
laboratory's performance has resulted in the issuance of no
further action letters under section 3746.11 of the Revised Code
that are not consistent with applicable standards;~~ 42441
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~~(e) Authorize the director to suspend or revoke the
certification of a laboratory if the director finds that the
laboratory falsified any information on its application for
certification regarding its credentials or qualifications;~~ 42446
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~~(f) Require the director permanently to revoke the
certification of a laboratory that has violated or is violating
division (A) of section 3746.18 of the Revised Code.~~ 42450
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42452

~~(7) Information to be included in a no further action letter
prepared under section 3746.11 of the Revised Code, including,
without limitation, all of the following:~~ 42453
42454
42455

~~(a) A summary of the information required to be submitted to
the certified environmental professional preparing the no further
action letter under division (C) of section 3746.10 of the Revised
Code;~~ 42456
42457
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42459

~~(b) Notification that a risk assessment was performed in
accordance with rules adopted under division (B)(2) of this
section if such an assessment was used in lieu of generic
numerical clean-up standards established in rules adopted under
division (B)(1) of this section;~~ 42460
42461
42462
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~~(c) The contaminants addressed at the property, if any, their~~ 42465

source, if known, and their levels prior to remediation;	42466
(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;	42467 42468 42469 42470
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	42471 42472 42473
(8) <u>(7)</u> Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	42474 42475 42476
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	42477 42478 42479
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	42480 42481 42482
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	42483 42484 42485
(d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it.	42486 42487 42488 42489 42490 42491 42492
The fees established pursuant to the rules adopted under division (B)(8) <u>(B)(7)</u> of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the	42493 42494 42495

agency for the administration and enforcement of this chapter and 42496
rules adopted under it other than the provisions regarding the 42497
certification of professionals and laboratories. 42498

~~(9)~~(8) Criteria for selecting the no further action letters 42499
issued under section 3746.11 of the Revised Code that will be 42500
audited under section 3746.17 of the Revised Code, and the scope 42501
and procedures for conducting those audits. The rules adopted 42502
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 42503
require the director to establish priorities for auditing no 42504
further action letters to which any of the following applies: 42505

(a) The letter was prepared by an environmental professional 42506
who was deemed to be a certified professional ~~under division (D)~~ 42507
~~of section 3746.07 of the Revised Code before the effective date~~ 42508
of this amendment, but who does not comply with the criteria 42509
established in rules adopted under division (B)(5) of this section 42510
as determined pursuant to rules adopted under division (B)(5)(d) 42511
of this section; 42512

(b) The letter was submitted fraudulently; 42513

(c) The letter was prepared by a certified environmental 42514
professional whose certification subsequently was revoked in 42515
accordance with rules adopted under division (B)(5) of this 42516
section, or analyses were performed for the purposes of the no 42517
further action letter by a certified laboratory whose 42518
certification ~~subsequently was revoked in accordance with rules~~ 42519
~~adopted under division (B)(6) of this section before the effective~~ 42520
date of this amendment or a laboratory that is not an accredited 42521
laboratory; 42522

(d) A covenant not to sue that was issued pursuant to the 42523
letter was revoked under this chapter; 42524

(e) The letter was for a voluntary action that was conducted 42525
pursuant to a risk assessment in accordance with rules adopted 42526

under division (B)(2) of this section; 42527

(f) The letter was for a voluntary action that included as 42528
remedial activities engineering controls or institutional controls 42529
or activity and use limitations authorized under section 3746.05 42530
of the Revised Code. 42531

The rules adopted under division ~~(B)(9)~~(B)(8) of this section 42532
shall provide for random audits of no further action letters to 42533
which the rules adopted under divisions ~~(B)(9)(a)~~(B)(8)(a) to (f) 42534
of this section do not apply. 42535

~~(10)~~(9) A classification system to characterize ground water 42536
according to its capability to be used for human use and its 42537
impact on the environment and a methodology that shall be used to 42538
determine when ground water that has become contaminated from 42539
sources on a property for which a covenant not to sue is requested 42540
under section 3746.11 of the Revised Code shall be remediated to 42541
the standards established in the rules adopted under division 42542
(B)(1) or (2) of this section. 42543

(a) In adopting rules under division ~~(B)(10)~~(B)(9) of this 42544
section to characterize ground water according to its capability 42545
for human use, the director shall consider all of the following: 42546

(i) The presence of legally enforceable, reliable 42547
restrictions on the use of ground water, including, without 42548
limitation, local rules or ordinances; 42549

(ii) The presence of regional commingled contamination from 42550
multiple sources that diminishes the quality of ground water; 42551

(iii) The natural quality of ground water; 42552

(iv) Regional availability of ground water and reasonable 42553
alternative sources of drinking water; 42554

(v) The productivity of the aquifer; 42555

(vi) The presence of restrictions on the use of ground water 42556

implemented under this chapter and rules adopted under it; 42557

(vii) The existing use of ground water. 42558

(b) In adopting rules under division ~~(B)(10)~~(B)(9) of this 42559
section to characterize ground water according to its impacts on 42560
the environment, the director shall consider both of the 42561
following: 42562

(i) The risks posed to humans, fauna, surface water, 42563
sediments, soil, air, and other resources by the continuing 42564
presence of contaminated ground water; 42565

(ii) The availability and feasibility of technology to remedy 42566
ground water contamination. 42567

~~(11)~~(10) Governing the application for and issuance of 42568
variances under section 3746.09 of the Revised Code; 42569

~~(12)(a)~~(11)(a) In the case of voluntary actions involving 42570
contaminated ground water, specifying the circumstances under 42571
which the generic numerical clean-up standards established in 42572
rules adopted under division (B)(1) of this section and standards 42573
established through a risk assessment conducted pursuant to rules 42574
adopted under division (B)(2) of this section shall be 42575
inapplicable to the remediation of contaminated ground water and 42576
under which the standards for remediating contaminated ground 42577
water shall be established on a case-by-case basis prior to the 42578
commencement of the voluntary action pursuant to rules adopted 42579
under division ~~(B)(12)(b)~~(B)(11)(b) of this section; 42580

(b) Criteria and procedures for the case-by-case 42581
establishment of standards for the remediation of contaminated 42582
ground water under circumstances in which the use of the generic 42583
numerical clean-up standards and standards established through a 42584
risk assessment are precluded by the rules adopted under division 42585
~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the 42586
procedures for the case-by-case development of standards for the 42587

remediation of contaminated ground water shall establish 42588
application, public participation, adjudication, and appeals 42589
requirements and procedures that are equivalent to the 42590
requirements and procedures established in section 3746.09 of the 42591
Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of 42592
this section, except that the procedural rules shall not require 42593
an applicant to make the demonstrations set forth in divisions 42594
(A)(1) to (3) of section 3746.09 of the Revised Code. 42595

~~(13)~~(12) A definition of the evidence that constitutes 42596
sufficient evidence for the purpose of division (A)(5) of section 42597
3746.02 of the Revised Code. 42598

At least thirty days before filing the proposed rules 42599
required to be adopted under this section with the secretary of 42600
state, director of the legislative service commission, and joint 42601
committee on agency rule review in accordance with divisions (B) 42602
and (C) of section 119.03 of the Revised Code, the director of 42603
environmental protection shall hold at least one public meeting on 42604
the proposed rules in each of the five districts into which the 42605
agency has divided the state for administrative purposes. 42606

Sec. ~~3746.071~~ 3746.07. (A) ~~As used in this section,~~ 42607
~~"certified professional" means a certified professional deemed to~~ 42608
~~be certified under division (D) of section 3746.07 of the Revised~~ 42609
~~Code.~~ 42610

~~(B)~~ A certified professional shall do all of the following: 42611

(1) Protect the safety, health, and welfare of the public in 42612
the performance of professional duties. If a circumstance arises 42613
where the certified professional faces a situation where the 42614
safety, health, or welfare of the public would not be protected, 42615
the certified professional shall do all of the following: 42616

(a) Sever the relationship with the certified professional's 42617

employer or client; 42618

(b) Refuse to accept responsibility for the design, report, 42619
or statement involved; 42620

(c) Notify the director of environmental protection if, in 42621
the opinion of the certified professional, the situation is 42622
sufficiently important. 42623

(2) Undertake to perform assignments only when the certified 42624
professional or the certified professional's consulting support is 42625
qualified by training and experience in the specific technical 42626
fields involved; 42627

(3) Be completely objective in any professional report, 42628
statement, or testimony. The certified professional shall include 42629
all relevant and pertinent information in the report, statement, 42630
or testimony when the result of an omission would or reasonably 42631
could lead to a fallacious conclusion. 42632

(4) Express an opinion as a technical or expert witness 42633
before any court, commission, or other tribunal only when it is 42634
founded upon adequate knowledge of the facts in issue, upon a 42635
background of technical competence in the subject matter, and upon 42636
honest conviction of the accuracy and propriety of the testimony. 42637

~~(C)~~(B) A certified professional shall not issue statements, 42638
criticisms, or arguments on matters connected with public policy 42639
that are inspired or paid for by an interested party, unless the 42640
certified professional has prefaced the remarks by explicitly 42641
identifying the certified professional, by disclosing the identity 42642
of the parties on whose behalf the certified professional is 42643
speaking, and by revealing the existence of any pecuniary interest 42644
the certified professional may have in the instant matters. 42645

~~(D)~~(1)~~(C)~~(1) A certified professional shall conscientiously 42646
avoid any conflict of interest with the certified professional's 42647
employer or client. 42648

(2) A certified professional promptly shall inform the 42649
certified professional's employer or client of any business 42650
association, interests, or circumstances that could influence the 42651
certified professional's judgment or the quality of the certified 42652
professional's service to the employer or client. 42653

(3) A certified professional shall not accept compensation, 42654
financial or otherwise, from more than one party for services on 42655
or pertaining to the same project, unless the circumstances are 42656
fully disclosed to, and agreed to, by all interested parties or 42657
their duly authorized agents. 42658

(4) A certified professional shall not solicit or accept 42659
financial or other valuable considerations from material or 42660
equipment suppliers for specifying their products. 42661

(5) A certified professional shall not solicit or accept 42662
gratuities, directly or indirectly, from contractors, their 42663
agents, or other parties dealing directly with the certified 42664
professional's employer or client in connection with the work for 42665
which the certified professional is responsible. 42666

~~(E)(1)(D)(1)~~ A certified professional shall not pay, solicit, 42667
or offer, directly or indirectly, any bribe or commission for 42668
professional employment with the exception of payment of the usual 42669
commission for securing salaried positions through licensed 42670
employment agencies. 42671

(2) A certified professional shall seek professional 42672
employment on the basis of qualification and competence for proper 42673
accomplishment of the work. A certified professional may submit 42674
proposed fee information prior to selection to serve as a 42675
certified professional under this chapter and rules adopted under 42676
it. 42677

(3) A certified professional shall not falsify or permit 42678
misrepresentation of the certified professional's or the certified 42679

professional's associates' academic or professional 42680
qualifications. The certified professional shall not misrepresent 42681
or exaggerate the certified professional's degree of 42682
responsibility in or for the subject matter of prior assignments. 42683

(4) Brochures or other presentations incident to the 42684
solicitation of employment by a certified professional shall not 42685
misrepresent pertinent facts concerning the certified 42686
professional's employers, employees, associates, or joint 42687
ventures, or the past accomplishments of any of them, with the 42688
intent and purpose of enhancing the certified professional's 42689
qualifications for the certified professional's work. 42690

~~(F)~~(1)(E)(1) A certified professional shall not sign or seal 42691
professional work for which the certified professional does not 42692
have personal professional knowledge and direct supervisory 42693
control and responsibility. 42694

(2) A certified professional shall not knowingly associate 42695
with, or permit the use of the certified professional's own name 42696
or the name of the certified professional's firm in, a business 42697
venture by any person or firm that the certified professional 42698
knows, or has reason to believe, is engaging in business or 42699
professional practices of a fraudulent or dishonest nature. 42700

(3) If a certified professional has knowledge or reason to 42701
believe that another person or firm has violated any of the 42702
provisions of this chapter or any requirement of this section, the 42703
certified professional shall present the information to the 42704
director in writing. 42705

~~(G)~~(F) The director, in accordance with rules adopted under 42706
section 3746.04 of the Revised Code, may suspend for a period of 42707
not more than five years or permanently revoke a certified 42708
professional's certification for a violation of or failure to 42709
comply with any requirement or obligation set forth in this 42710

section. 42711

(G) Notwithstanding any other provision of this chapter to 42712
the contrary, a certified professional may use data analyzed by a 42713
certified laboratory prior to the effective date of this amendment 42714
in completion of a no further action letter. 42715

Sec. 3746.09. (A) A person who proposes to enter into or who 42716
is participating in the voluntary action program under this 42717
chapter and rules adopted under it, in accordance with this 42718
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 42719
3746.04 of the Revised Code, may apply to the director of 42720
environmental protection for a variance from applicable standards 42721
otherwise established in this chapter and rules adopted under it. 42722
The application for a variance shall be prepared by a certified 42723
professional. The director shall issue a variance from those 42724
applicable standards only if the application makes all of the 42725
following demonstrations to the director's satisfaction: 42726

(1) Either or both of the following: 42727

(a) It is technically infeasible to comply with the 42728
applicable standards otherwise established at the property named 42729
in the application; 42730

(b) The costs of complying with the applicable standards 42731
otherwise established at the property substantially exceed the 42732
economic benefits. 42733

(2) The proposed alternative standard or set of standards and 42734
terms and conditions set forth in the application will result in 42735
an improvement of environmental conditions at the property and 42736
ensure that public health and safety will be protected. 42737

(3) The establishment of and compliance with the alternative 42738
standard or set of standards and terms and conditions are 42739
necessary to promote, protect, preserve, or enhance employment 42740

opportunities or the reuse of the property named in the 42741
application. 42742

A variance issued under this section shall state the specific 42743
standard or standards whose terms are being varied and shall set 42744
forth the specific alternative standard or set of standards and 42745
the terms and conditions imposed on the applicant in their place. 42746
A variance issued under this section shall include only standards 42747
and terms and conditions proposed by the applicant in the 42748
application, except that the director may impose any additional or 42749
alternative terms and conditions that the director determines to 42750
be necessary to ensure that public health and safety will be 42751
protected. If the director finds that compliance with any standard 42752
or term or condition proposed by the applicant will not protect 42753
public health and safety and that the imposition of additional or 42754
alternative terms and conditions will not ensure that public 42755
health or safety will be protected, the director shall disapprove 42756
the application and shall include in the order of denial the 42757
specific findings on which the denial was based. 42758

(B) Variances shall be issued or denied in accordance with 42759
this section, rules adopted under division ~~(B)(11)~~(B)(10) of 42760
section 3746.04 of the Revised Code, and Chapter 3745. of the 42761
Revised Code. Upon determining that an application for a variance 42762
is complete, the director shall schedule a public meeting on the 42763
application to be held within ninety days after the director 42764
determines that the application is complete in the county in which 42765
is located the property to which the application pertains. 42766

(C) Not less than thirty days before the date scheduled for 42767
the public meeting on an application for a variance, the director 42768
shall publish notice of the public meeting and that the director 42769
will receive written comments on the application for a period of 42770
forty-five days commencing on the date of the publication of the 42771
notice. The notice shall contain all of the following information, 42772

at a minimum: 42773

(1) The address of the property to which the application 42774
pertains; 42775

(2) A brief summary of the alternative standards and terms 42776
and conditions proposed by the applicant; 42777

(3) The date, time, and location of the public meeting. 42778

The notice shall be published in a newspaper of general 42779
circulation in the county in which the property is located and, if 42780
the property is located in close proximity to the boundary of the 42781
county with an adjacent county, as determined by the director, 42782
shall be published in a newspaper of general circulation in the 42783
adjacent county. Concurrently with the publication of the notice 42784
of the public meeting, the director shall mail notice of the 42785
application, comment period, and public meeting to the owner of 42786
each parcel of land that is adjacent to the affected property and 42787
to the legislative authority of the municipal corporation or 42788
township, and county, in which the affected property is located. 42789
The notices mailed to the adjacent land owners and legislative 42790
authorities shall contain the same information as the published 42791
notice. 42792

(D) At the public meeting on an application for a variance, 42793
the applicant, or a representative of the applicant who is 42794
knowledgeable about the affected property and the application, 42795
shall present information regarding the application and the basis 42796
of the request for the variance and shall respond to questions 42797
from the public regarding the affected property and the 42798
application. A representative of the environmental protection 42799
agency who is familiar with the affected property and the 42800
application shall attend the public meeting to hear the public's 42801
comments and to respond to questions from the public regarding the 42802
affected property and the application. A stenographic record of 42803

the proceedings at the public meeting shall be kept and shall be 42804
made a part of the administrative record regarding the 42805
application. 42806

(E) Within ninety days after conducting the public meeting on 42807
an application for a variance under division (D) of this section, 42808
the director shall issue a proposed action to the applicant in 42809
accordance with section 3745.07 of the Revised Code that indicates 42810
the director's intent with regard to the issuance or denial of the 42811
application. When considering whether to issue or deny the 42812
application or whether to impose terms and conditions of the 42813
variance that are in addition or alternative to those proposed by 42814
the applicant, the director shall consider comments on the 42815
application made by the public at the public meeting and written 42816
comments on the application received from the public. 42817

Sec. 3746.10. (A) Except as otherwise provided in section 42818
3746.02 of the Revised Code, any person may undertake a voluntary 42819
action under this chapter and rules adopted under it to identify 42820
and address potential sources of contamination by hazardous 42821
substances or petroleum of soil, sediments, surface water, or 42822
ground water on or underlying property and to establish that the 42823
property meets applicable standards. The voluntary action may 42824
include any one or more of the following elements: 42825

(1) A phase I property assessment conducted in accordance 42826
with rules adopted under division (B)(3) of section 3746.04 of the 42827
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 42828
~~Code, as appropriate;~~ 42829

(2) A phase II property assessment conducted in accordance 42830
with rules adopted under division (B)(4) of section 3746.04 of the 42831
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 42832
~~Code, as appropriate;~~ 42833

(3) A sampling plan; 42834

(4) A remediation plan;	42835
(5) Remedial activities;	42836
(6) Such other activities as the person undertaking the voluntary action considers to be necessary or appropriate to address the contamination.	42837 42838 42839
When the person undertaking a voluntary action determines that the property meets applicable standards, the person may seek a no further action letter from a certified professional. A no further action letter may be issued for the property at any stage of the identification of potential hazardous substance or petroleum contamination or remedial activities after a phase I or II property assessment has demonstrated that there is no reason to believe that there has been a release of hazardous substances or petroleum at or upon the property, that information indicates that there has been a release of hazardous substances or petroleum at or upon the property, but that the release is not in excess of applicable standards, or that if there has been such a release in excess of applicable standards, those standards have been achieved through remedial activities or will be achieved in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of section 3746.12 of the Revised Code or in such an agreement and a consolidated standards permit issued under section 3746.15 of the Revised Code.	42840 42841 42842 42843 42844 42845 42846 42847 42848 42849 42850 42851 42852 42853 42854 42855 42856 42857
(B)(1) A person who is participating in the voluntary action program under this chapter and rules adopted under it shall do both of the following:	42858 42859 42860
(a) Utilize the services of a certified <u>an accredited</u> laboratory to perform any analyses that form the basis for the issuance of a no further action letter for a property and ensure that a laboratory performs in connection with a voluntary action only those analyses for which it is certified under rules adopted	42861 42862 42863 42864 42865

~~under division (B)(6) of section 3746.04 of the Revised Code or~~ 42866
~~for which it is qualified prior to the adoption of those rules~~ 42867
accredited; 42868

(b) Utilize the services of a certified professional to 42869
verify that the property and any remedial activities undertaken at 42870
the property in connection with a voluntary action comply with 42871
applicable standards and, if those standards are met, to issue to 42872
the person a no further action letter for the property. For the 42873
purposes of such a verification, the certified professional shall 42874
perform and review all work that was conducted to support the 42875
request for the no further action letter or shall ensure that the 42876
work has been performed and reviewed by other persons with 42877
expertise and competence in areas other than those of the 42878
certified professional's expertise and competence as necessary for 42879
the issuance of the no further action letter. 42880

(2) No person who is participating in the voluntary action 42881
program shall do any of the following: 42882

(a) If the person also is a certified professional, prepare a 42883
no further action letter in connection with a voluntary action 42884
conducted at a property that the certified professional owns or 42885
operates; 42886

(b) Utilize the services of a certified professional who is 42887
employed by, affiliated with, or related to the participant or who 42888
was employed by or affiliated with the participant during the year 42889
preceding the date that the participant entered into the contract 42890
to utilize the services of the certified professional in 42891
connection with the voluntary action; 42892

(c) Utilize the services of ~~a certified~~ an accredited 42893
laboratory that is owned by or affiliated with the participant, 42894
that is owned by a person related to the participant, or that was 42895
owned by or affiliated with the participant during the year 42896

preceding the date that the participant entered into the contract 42897
to utilize the services of the ~~certified~~ accredited laboratory in 42898
connection with the voluntary action, to perform any analyses that 42899
form the basis for the issuance of a no further action letter in 42900
connection with a voluntary action. 42901

A covenant not to sue issued under section 3746.12 of the 42902
Revised Code to a person who violated division (B)(2)(a), (b), or 42903
(c) of this section with respect to the no further action letter 42904
upon which issuance of the covenant was based is void. 42905

Except as otherwise provided in division (B)(2) of this 42906
section, a person who is participating in the voluntary action 42907
program may utilize an independent contractor to serve as a 42908
certified professional or ~~certified~~ accredited laboratory. 42909

(C) In order to obtain a no further action letter, a person 42910
undertaking a voluntary action shall submit to a certified 42911
professional all of the following, as applicable: 42912

(1) Information demonstrating that there is no contamination 42913
by hazardous substances or petroleum of soil, sediments, surface 42914
water, or ground water on or underlying the property in 42915
concentrations exceeding applicable standards. The demonstrations 42916
shall be based upon the findings of a phase I or phase II property 42917
assessment. 42918

(2) If remedial activities were conducted in connection with 42919
the voluntary action, data demonstrating that the remedy meets 42920
applicable standards or will achieve applicable standards in 42921
accordance with the timeframes established in an operation and 42922
maintenance agreement entered into under division (A)(3) of 42923
section 3746.12 of the Revised Code or in such an agreement and a 42924
consolidated standards permit issued under section 3746.15 of the 42925
Revised Code; 42926

(3)(a) If the remedy relies on institutional controls or 42927

restrictions on the use of the property to achieve applicable 42928
standards, a demonstration that the institutional controls or the 42929
use restrictions have been recorded in the office of the county 42930
recorder of the county in which the property is located, or have 42931
been entered in the appropriate register for registered land as 42932
defined in section 5309.01 of the Revised Code, in compliance with 42933
section 3746.14 of the Revised Code; 42934

(b) If the person undertaking a voluntary action seeks to 42935
obtain a covenant not to sue and if the remedy relies on activity 42936
and use limitations to achieve applicable standards, a 42937
demonstration that the activity and use limitations have been 42938
developed in accordance with this chapter and rules adopted under 42939
it and are contained in a proposed environmental covenant that 42940
meets the requirements established in section 5301.82 of the 42941
Revised Code. 42942

(4) If the remedy relies on engineering controls that contain 42943
or control the release of hazardous substances or petroleum at or 42944
from the property, a plan for the proper operation and maintenance 42945
of the engineering controls. 42946

(D) Except as otherwise specifically provided in this chapter 42947
and rules adopted under it, voluntary actions under this chapter 42948
and rules adopted under it shall be undertaken in compliance with 42949
all applicable laws of this state and rules adopted under them and 42950
with applicable ordinances, resolutions, and rules of political 42951
subdivisions of this state. 42952

Sec. 3746.11. (A) After receiving the demonstrations and 42953
operation and maintenance plan, if any, required to be submitted 42954
to a certified professional under division (C) of section 3746.10 42955
of the Revised Code, the certified professional shall review them 42956
to verify whether the property where the voluntary action was 42957
undertaken complies with applicable standards or shall ensure that 42958

they have been reviewed by another person or persons who performed 42959
work to support the request for the no further action letter as 42960
provided in division (B)(2) of section 3746.10 of the Revised 42961
Code. If, on the basis of the best knowledge, information, and 42962
belief of the certified professional, the certified professional 42963
concludes that the property meets applicable standards, the 42964
certified professional shall prepare a no further action letter 42965
for the property. The no further action letter shall contain all 42966
the information specified in rules adopted under division 42967
~~(B)(7)(B)(6)~~ of section 3746.04 of the Revised Code ~~or in division~~ 42968
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 42969

Upon completion of a no further action letter, the certified 42970
professional shall send a copy of the letter to the person who 42971
undertook the voluntary action. The letter shall be accompanied by 42972
a written request that the person notify the certified 42973
professional as to whether the person wishes to submit the no 42974
further action letter to the director of environmental protection 42975
and by a written notice informing the person that the original 42976
letter may be submitted to the director only by a certified 42977
professional and that the person may receive a covenant not to sue 42978
from the director in connection with the voluntary action only if 42979
the no further action letter for the voluntary action is submitted 42980
to the director on the person's behalf by the certified 42981
professional. 42982

Promptly after receipt of the letter and request, the person 42983
who undertook the voluntary action shall send written notice to 42984
the certified professional informing the certified professional as 42985
to whether the person wishes to submit the letter to the director 42986
and shall send a copy of the notice to the director. If the 42987
person's notice indicates that the person wishes to have the no 42988
further action letter submitted to the director, promptly after 42989
receipt of the notice, the certified professional shall submit the 42990

original no further action letter, together with a proposed 42991
environmental covenant, if applicable, and a proposed operation 42992
and maintenance agreement, if applicable, to the director by 42993
certified mail on behalf of the person who undertook the voluntary 42994
action. If the person who undertook the voluntary action notifies 42995
the certified professional that the person does not wish to submit 42996
the no further action letter to the director, the certified 42997
professional shall send the original letter to the person promptly 42998
after receiving the notice. 42999

(B) If after reviewing the demonstrations required to be 43000
submitted to the certified professional under division (C) of 43001
section 3746.10 of the Revised Code, the certified professional 43002
finds that the property where the voluntary action was undertaken 43003
does not comply with applicable standards, the certified 43004
professional shall send to the person who undertook the voluntary 43005
action written notice of that fact and of the certified 43006
professional's inability to issue a no further action letter for 43007
the property. 43008

(C) A certified professional shall prepare a summary report 43009
detailing the certified professional's findings and conclusions 43010
about the environmental conditions at the property concerning 43011
which the professional was requested to prepare a no further 43012
action letter and the remedial activities undertaken to mitigate 43013
or abate any threat to public health and safety and the 43014
environment, including, without limitation, all of the following: 43015

(1) A description of the nature and extent of contamination 43016
emanating from sources on the property; 43017

(2) A risk assessment performed in accordance with rules 43018
adopted under division (B)(2) of section 3746.04 of the Revised 43019
Code if such an assessment was used in lieu of generic numerical 43020
clean-up standards established in rules adopted under division 43021
(B)(1) of that section; 43022

(3) A description of any remedy conducted at the property and 43023
how the remedy complies with applicable standards; 43024

(4) A description of any plan for the proper operation and 43025
maintenance of engineering controls identified under division 43026
(C)(4) of section 3746.10 of the Revised Code; 43027

(5) Any documents prepared by any other person who performed 43028
work to support the request for the no further action letter as 43029
provided in division (B)(2) of section 3746.10 of the Revised 43030
Code. 43031

(D) A certified professional shall maintain all documents and 43032
data prepared or acquired by the certified professional in 43033
connection with a no further action letter for not less than ten 43034
years after the date of issuance of the letter or after the notice 43035
required under division (B) of this section has been sent, as 43036
applicable, or for a longer period as determined in rules adopted 43037
under section 3746.04 of the Revised Code. The director shall have 43038
access to those documents and data in accordance with section 43039
3746.18 or 3746.31 of the Revised Code. 43040

Sec. 3746.12. (A) Except as provided in division (C) of this 43041
section, the director of environmental protection shall issue to a 43042
person on behalf of whom a certified professional has submitted to 43043
the director an original no further action letter and accompanying 43044
verification under division (A) of section 3746.11 of the Revised 43045
Code a covenant not to sue for the property that is named in the 43046
letter. The director shall not issue a covenant not to sue if an 43047
original no further action letter is submitted to ~~him~~ the director 43048
by any person other than the certified professional who prepared 43049
the letter or if a copy of the letter is submitted to ~~him~~ the 43050
director. 43051

A covenant not to sue shall contain both of the following, as 43052
applicable: 43053

(1) A provision releasing the person who undertook the 43054
voluntary action from all civil liability to this state to perform 43055
additional investigational and remedial activities to address a 43056
release of hazardous substances or petroleum when the property has 43057
undergone a phase I or a phase II property assessment in 43058
compliance with this chapter and rules adopted under it or has 43059
been the subject of remedial activities conducted under this 43060
chapter and rules adopted under it to address a release of 43061
hazardous substances or petroleum and such an assessment or those 43062
activities demonstrate or result in compliance with applicable 43063
standards, except: 43064

(a) As otherwise specifically provided in this chapter or as 43065
may be conditioned by the director under this chapter; 43066

(b) For claims for natural resource damages the state may 43067
have pursuant to section 107 or 113 of the "Comprehensive 43068
Environmental Response, Compensation, and Liability Act of 1980," 43069
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 43070

(c) For claims the state may have pursuant to section 107 of 43071
the "Comprehensive Environmental Response, Compensation, and 43072
Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as 43073
amended, for costs other than those for damages to natural 43074
resources, provided that the state incurs those other costs as a 43075
result of an action by the president of the United States under 43076
section 104, 106, 107, or 122 of that act or pursuant to section 43077
3746.29 of the Revised Code. 43078

(2) If the voluntary action involves the use of engineering 43079
controls that contain and control the release of hazardous 43080
substances or petroleum at or from the property in order to comply 43081
with applicable standards, all of the following: 43082

(a) A provision requiring that the person enter into an 43083
operation and maintenance agreement with the director that ensures 43084

that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B)(1) The release provided under division (A)(1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B)(3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B)(2) of this section, within thirty days after the mailing of

the notice, notifies the director of ~~his~~ the recipient's intention 43116
to return the property or portion thereof to compliance with the 43117
applicable standards upon which issuance of the covenant was based 43118
and enters into a compliance schedule agreement with the director, 43119
the director, by issuance of an order as a final action under 43120
Chapter 3745. of the Revised Code, shall revoke the covenant. The 43121
compliance schedule agreement shall establish a reasonable period 43122
of time for returning to compliance with those applicable 43123
standards. 43124

(4) Upon finding that a person with whom ~~he~~ the director has 43125
entered into a compliance schedule agreement under division (B)(3) 43126
of this section has failed to return the property or portion 43127
thereof to which the agreement pertains to compliance with the 43128
applicable standards within the time established in the agreement, 43129
the director, by issuance of an order as a final action under 43130
Chapter 3745. of the Revised Code, shall revoke the covenant 43131
applicable to the property or portion thereof. 43132

(C) The director shall deny a covenant not to sue as a final 43133
action for any of the following reasons: 43134

(1) The no further action letter submitted on behalf of the 43135
person seeking the covenant not to sue does not comply with 43136
section 3746.11 of the Revised Code and any rules adopted under 43137
this chapter regarding no further action letters; 43138

(2) The director determines from information available to ~~him~~ 43139
to the director that a remedy identified in the no further action 43140
letter does not protect public health and safety and the 43141
environment; 43142

(3) The no further action letter was submitted fraudulently. 43143

(D) The director shall not revoke a covenant not to sue 43144
issued for property for which a voluntary action was conducted in 43145
accordance with standards and procedures ~~established in section~~ 43146

~~3746.07~~ that applied prior to the adoption of rules under section 43147
~~3746.04~~ of the Revised Code solely on the basis that the voluntary 43148
action was conducted in accordance with those standards and 43149
procedures. 43150

(E) Unless a covenant not to sue issued under this section is 43151
revoked through the operation of a provision of the covenant 43152
described in division (A)(2)(c) of this section, or under division 43153
(B) of this section, division (B)(2) of section 3746.18 of the 43154
Revised Code, or division (B) of section 3746.19 of the Revised 43155
Code, the covenant shall remain effective as long as the property 43156
complies with the applicable standards that were in effect when 43157
the person who undertook the voluntary action submitted the 43158
information and demonstrations required under division (C) of 43159
section 3746.10 of the Revised Code to the certified professional 43160
who prepared the no further action letter regardless of whether 43161
amendments to the rules adopted under division (B)(1) or (2) of 43162
section 3746.04 of the Revised Code that became effective after 43163
that time altered the generic numerical clean-up standards for a 43164
contaminant addressed by the voluntary action or the procedures or 43165
levels of acceptable risk that govern the property-specific risk 43166
assessments conducted in lieu of compliance with generic numerical 43167
standards. 43168

Sec. 3746.13. (A) For property that does not involve the 43169
issuance of a consolidated standards permit under section 3746.15 43170
of the Revised Code and where no remedial activities for which 43171
there is a required operation and maintenance agreement or an 43172
environmental covenant under this chapter or sections 5301.80 to 43173
5301.92 of the Revised Code, as applicable, are used to comply 43174
with applicable standards, the director of environmental 43175
protection shall issue a covenant not to sue pursuant to section 43176
3746.12 of the Revised Code by issuance of an order and as a final 43177
action under Chapter 3745. of the Revised Code within thirty days 43178

after the director receives the no further action letter for the 43179
property from the certified professional who prepared the letter 43180
under section 3746.11 of the Revised Code. 43181

(B) For property that involves the issuance of a consolidated 43182
standards permit under section 3746.15 of the Revised Code or 43183
where remedial activities for which there is a required operation 43184
and maintenance agreement or an environmental covenant under this 43185
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 43186
applicable, are used to comply with applicable standards, the 43187
director shall issue a covenant not to sue pursuant to section 43188
3746.12 of the Revised Code by issuance of an order and as a final 43189
action under Chapter 3745. of the Revised Code within ninety days 43190
after the director receives the no further action letter for the 43191
property from the certified professional who prepared the letter 43192
and enters into an environmental covenant regarding the property, 43193
if applicable. 43194

(C) Except as provided in division (D) of this section, each 43195
person who is issued a covenant not to sue under this section 43196
shall pay the fee established pursuant to rules adopted under 43197
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 43198
Until those rules become effective, each person who is issued a 43199
covenant not to sue shall pay a fee of two thousand dollars. The 43200
fee shall be paid to the director at the time that the no further 43201
action letter and accompanying verification are submitted to the 43202
director. 43203

(D) An applicant, as defined in section 122.65 of the Revised 43204
Code, who has entered into an agreement under section 122.653 of 43205
the Revised Code and who is issued a covenant not to sue under 43206
this section shall not be required to pay the fee for the issuance 43207
of a covenant not to sue established in rules adopted under 43208
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 43209

Sec. 3746.17. (A) The director of environmental protection 43210
shall conduct audits in connection with no further action letters 43211
issued under section 3746.11 of the Revised Code for all of the 43212
following purposes: 43213

(1) Determining whether after completion of the voluntary 43214
actions under this chapter and rules adopted under it, the 43215
properties where the voluntary actions were conducted meet 43216
applicable standards; 43217

(2) Reviewing the qualifications of and work performed by 43218
certified professionals under the voluntary action program to 43219
ascertain whether they possess the qualifications for 43220
certification pursuant to rules adopted under division (B)(5) of 43221
section 3746.04 of the Revised Code and whether their performance 43222
under the program has resulted in the issuance of no further 43223
action letters that are not consistent with applicable standards; 43224

(3) Reviewing ~~the qualifications of and~~ work performed by 43225
certified laboratories or accredited laboratories in connection 43226
with the voluntary action program, and inspecting the facilities 43227
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 43228
~~the qualifications for certification pursuant to rules adopted~~ 43229
~~under division (B)(6) of section 3746.04 of the Revised Code and~~ 43230
~~whether~~ their performance in connection with the program has 43231
resulted in the issuance of no further action letters that are not 43232
consistent with applicable standards. 43233

An audit may be conducted for any of the purposes identified 43234
in divisions (A)(1) to (3) of this section or for any combination 43235
of those purposes. 43236

(B) ~~Commencing one year after the effective date of this~~ 43237
~~section, the~~ The director annually shall conduct in connection 43238
with the no further action letters submitted to ~~him~~ the director 43239
during the preceding calendar year under section 3746.11 of the 43240

Revised Code audits of not less than twenty-five per cent of the 43241
letters pertaining ~~the~~ to voluntary actions that involved remedial 43242
activities and not less than twenty-five per cent of the letters 43243
pertaining to voluntary actions that did not involve remedial 43244
activities. Audits conducted pursuant to contracts entered into 43245
under division ~~(E)~~(D) of this section or division (B) of section 43246
3745.01 of the Revised Code shall be included in determining the 43247
number of audits conducted by the director during the year in 43248
which the audits were conducted. 43249

~~(C) Except as provided in division (D) of this section, the~~ 43250
The director shall select the no further action letters to be 43251
audited under this section in accordance with the selection 43252
criteria established in rules adopted under division ~~(B)(9)~~(B)(8) 43253
of section 3746.04 of the Revised Code. Any such audit shall be 43254
conducted in accordance with the rules adopted under that 43255
division. 43256

~~(D) Prior to the adoption of rules under section 3746.04 of~~ 43257
~~the Revised Code, the director may conduct audits in connection~~ 43258
~~with no further action letters issued under section 3746.11 of the~~ 43259
~~Revised Code in order to determine if the relevant properties,~~ 43260
~~certified professionals, certified laboratories, or any~~ 43261
~~combination of them comply with the standards established in~~ 43262
~~section 3746.07 of the Revised Code.~~ 43263

~~(E)~~ The director may enter into contracts to have audits 43264
conducted under this section in accordance with rules adopted 43265
under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised 43266
Code. The director shall not select as a contractor to conduct 43267
audits under this section a person who meets any of the following: 43268

~~(a)~~(1) Undertook the voluntary action in connection with 43269
which the audit is to be performed; 43270

~~(b)~~(2) Is employed by, affiliated with, or related to the 43271

person who undertook the voluntary action in connection with which 43272
the audit is to be performed or was employed by or affiliated with 43273
that person during the year preceding the date that the audit is 43274
to be conducted; 43275

~~(e)~~(3) Served as the certified professional who issued the no 43276
further action letter for the voluntary action in connection with 43277
which the audit is to be performed or is employed by, affiliated 43278
with, or related to the person who served as the certified 43279
professional or was employed by or affiliated with that person 43280
during the year preceding the date that the audit is to be 43281
conducted; 43282

~~(d)~~(4) Performed or reviewed, or ~~his~~ the person's employer 43283
performed or reviewed, any work that was conducted to support the 43284
request for the no further action letter in connection with which 43285
the audit is to be performed; 43286

~~(e)~~(5) Served as a certified laboratory or accredited 43287
laboratory that performed any analyses that formed the basis for 43288
the issuance of the no further action letter in connection with 43289
which the audit is to be performed, is employed by, affiliated 43290
with, or related to the person who served as such a certified 43291
laboratory or accredited laboratory, or was employed by or 43292
affiliated with that person during the year preceding the date 43293
that the audit is to be conducted. 43294

Sec. 3746.18. (A) The director of environmental protection 43295
may request a certified professional or certified laboratory or 43296
accredited laboratory to provide ~~to him~~ the director documents and 43297
data for the purposes of verifying the qualifications of the 43298
professional or laboratory or auditing the performance of the 43299
professional or laboratory in connection with voluntary actions 43300
conducted under this chapter and rules adopted under it or may 43301
request any other person who performed work that was conducted to 43302

support a request for a no further action letter as provided in 43303
division (B)(2) of section 3746.10 of the Revised Code to submit 43304
documents and data relating to the no further action letter. 43305

No person shall fail to comply with a request made under this 43306
division. 43307

(B) In addition to any other remedy provided by law, the 43308
director may do either or both of the following in connection with 43309
a violation of division (A) of this section: 43310

(1) Permanently revoke the certification of the certified 43311
professional ~~or certified laboratory~~ in accordance with rules 43312
adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 43313
of the Revised Code, as applicable; 43314

(2) Revoke any covenant not to sue issued under section 43315
3746.12 of the Revised Code pertaining to the director's request 43316
for information under division (A) of this section. 43317

Nothing in division (B)(2) of this section precludes a person 43318
whose covenant not to sue was revoked under that division from 43319
having a new no further action letter prepared regarding the 43320
relevant property and issued under section 3746.11 of the Revised 43321
Code by another certified professional, or using another ~~certified~~ 43322
accredited laboratory, for the purpose of obtaining a new covenant 43323
not to sue for the property. 43324

Sec. 3746.19. (A) If the director of environmental protection 43325
finds that the performance of a certified professional or 43326
certified laboratory has resulted in the issuance of no further 43327
action letters under section 3746.11 of the Revised Code that are 43328
not consistent with applicable standards, ~~he~~ the director shall 43329
notify persons for whom the certified professional or certified 43330
laboratory has performed work in connection with a voluntary 43331
action of ~~his~~ those findings. 43332

(B) The director, in accordance with the criteria and 43333
procedures established in rules adopted under division 43334
~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code, may conduct 43335
an audit of any property for which a covenant not to sue was 43336
issued under section 3746.12 of the Revised Code based upon a no 43337
further action letter issued under section 3746.11 of the Revised 43338
Code that was prepared by a certified professional whose 43339
certification was subsequently suspended or revoked under this 43340
chapter and rules adopted under it or based upon a no further 43341
action letter for a voluntary action for which analyses were 43342
performed by a certified laboratory for which the certification 43343
was ~~subsequently~~ suspended or revoked ~~under this chapter and rules~~ 43344
~~adopted under it~~ before the effective date of this amendment. 43345

If, after such an audit, the director finds that the property 43346
does not comply with applicable standards, ~~he~~ the director shall 43347
proceed in accordance with divisions (B)(2) through (4) of section 43348
3746.12 of the Revised Code. 43349

Sec. 3746.20. (A) All of the following shall be submitted by 43350
affidavit: 43351

(1) Any information, data, documents, or reports submitted by 43352
any of the following to another person for the purposes of a 43353
voluntary action conducted under this chapter and rules adopted 43354
under it: 43355

(a) The person undertaking the voluntary action; 43356

(b) A certified professional; 43357

(c) Any other person who performed work that was conducted to 43358
support a request for a no further action letter as provided in 43359
division (B)(2) of section 3746.10 of the Revised Code; 43360

(d) A certified laboratory; 43361

(e) An accredited laboratory. 43362

(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B)(5)(a) or (c) of section 3746.04 of the Revised Code ~~or with division (D) of section 3746.07 of the Revised Code;~~

~~(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B)(6)(a) or (b) of section 3746.04 of the Revised Code;~~

~~(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.~~

(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted under it or verification of eligible costs under section 3746.121 of the Revised Code.

Violation of this division is not falsification under section 2921.13 of the Revised Code.

(C) In accordance with rules adopted under division (B)(5)(f) of section 3746.04 of the Revised Code, the director permanently shall revoke the certification of a certified professional who violates division (B) of this section.

(D) No person, with purpose to deceive a certified professional, ~~certified~~ accredited laboratory, or a contractor thereof, or the environmental protection agency or a contractor thereof, shall withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.

Sec. 3746.21. (A) In addition to the authority established in

sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 43393
director of environmental protection or ~~his~~ the director's 43394
authorized representative, upon proper identification and upon 43395
stating the necessity and purpose of an inspection, may enter at 43396
reasonable times upon any of the following: 43397

(1) Any public or private property at which a voluntary 43398
action has been or is being conducted under this chapter and rules 43399
adopted under it; ~~upon any~~ 43400

(2) Any public or private property, real or personal, that is 43401
owned or operated by a person who is participating or has 43402
participated in the voluntary action program under this chapter 43403
and rules adopted under it where data, information, records, or 43404
documents relating to the person's participation in the voluntary 43405
action program are kept; ~~or upon any~~ 43406

(3) Any public or private property, real or personal, upon 43407
which is located a certified laboratory, accredited laboratory, or 43408
the offices of a certified professional, ~~to inspect.~~ 43409

(B) The director or the director's authorized representative 43410
may enter upon any property described in division (A) of this 43411
section to do any of the following: 43412

(1) Inspect the credentials of the certified professional or 43413
the credentials and facilities of the certified laboratory or 43414
accredited laboratory; ~~to examine~~ 43415

To examine or copy data, information, records, or documents 43416
relating to the evaluation, investigation, or remediation of 43417
properties under this chapter and rules adopted under it or to 43418
compliance with a consolidated standards permit issued under 43419
section 3746.15 of the Revised Code; ~~or to obtain~~ 43420

(3) Obtain samples of soil, water, or other environmental 43421
media at properties where voluntary actions have been or are being 43422
conducted under this chapter and rules adopted under it. 43423

(C) The director or ~~his~~ the director's authorized representative may apply for and any judge of a court of record may issue an administrative inspection warrant under division (F) of section 2933.21 of the Revised Code, or other appropriate search warrant, necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

Sec. 3746.31. Upon the written request of any person for information, documents, reports, or data described on a list submitted to the director of environmental protection pursuant to ~~division (F) of section 3746.07 of the Revised Code or rules~~ adopted under division ~~(B)(7)(e)~~ (B)(6)(e) of section 3746.04 of the Revised Code, as applicable, the director, within a reasonable period of time after receipt of the request, shall provide copies of the requested materials to the person. If the requested materials are not on file in the offices of the environmental protection agency, the director, promptly after receipt of the request, shall send a written request to the certified professional who submitted the list pursuant to that division or those rules to submit the requested materials to the director within a specified reasonable period of time. The certified professional shall submit the requested materials to the director within the time specified in the director's request. Within a reasonable period of time after the director receives the requested materials from the certified professional, the director shall provide copies of them, at cost, to the person who requested them and shall retain the originals in the agency's files.

Sec. 3746.35. (A) Not later than ~~September 1, 1996, and not later than~~ the first day of September of each ~~subsequent~~ year, the director of environmental protection shall prepare and submit to the chairpersons of the respective standing committees of the senate and house of representatives primarily responsible for

considering environmental and taxation matters a report regarding 43455
the voluntary action program established under this chapter and 43456
rules adopted under it and the tax abatements granted pursuant to 43457
sections 5709.87 and 5709.88 of the Revised Code for properties 43458
where voluntary actions were conducted. Each annual report shall 43459
include, without limitation, all of the following: 43460

(1) Both of the following for each property for which a 43461
covenant not to sue was issued under section 3746.12 of the 43462
Revised Code during the preceding calendar year: 43463

(a) The address of the property and name of the person who 43464
undertook the voluntary action at the property; 43465

(b) Whether the applicable standards governing the voluntary 43466
action were the ~~interim standards established in section 3746.07~~ 43467
~~of the Revised Code or the~~ generic numerical clean-up standards 43468
established in rules adopted under division (B)(1) of section 43469
3746.04 of the Revised Code or the interim standards that applied 43470
prior to the adoption of rules under that section, were 43471
established through the performance of a risk assessment pursuant 43472
to rules adopted under division (B)(2) of section 3746.04 of the 43473
Revised Code, or were set forth in a variance issued under section 43474
3746.09 of the Revised Code. 43475

(2) All of the following for each property for which a 43476
variance was issued under section 3746.09 of the Revised Code 43477
during the preceding calendar year: 43478

(a) The address of the property and the name of the person to 43479
whom the variance was issued; 43480

(b) A summary of the alternative standards and terms and 43481
conditions of the variance and brief description of the 43482
improvement in environmental conditions at the property that is 43483
anticipated to result from compliance with the alternative 43484
standards and terms and conditions set forth in the variance; 43485

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least both of the following:

(a) The address of the property affected by the revocation and name of the person who undertook the voluntary action at the property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action administration fund created in section 3746.16 of the Revised Code during the preceding fiscal year from the fees established in ~~divisions (D) and (H) of section 3746.07~~ and division (C) of section 3746.13 of the Revised Code and from civil penalties imposed under section 3746.22 of the Revised Code. The report shall indicate the amount of money that arose from each of the fees and from the civil penalties. The report also shall include the amount of money expended from the fund during the preceding fiscal year by program category, including, without limitation, the amount expended for conducting audits under section 3746.17 of the Revised Code during the preceding fiscal year.

(6) For each property that is receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year, the amount of the valuation exempted from real property taxation for that tax year under that section. In order to comply with division (A)(6) of this section, the director shall include in the annual report the report required under division (B)(2) of this section.

(7) For each property that is receiving a tax abatement pursuant to an agreement with a municipal corporation or county entered into under section 5709.88 of the Revised Code, the amount of the valuation exempted from real or personal property taxation. In order to comply with division (A)(7) of this section, the director shall include in the annual report the report required under division (C) of this section.

(B)(1) Not later than the thirty-first day of March 31, 1996 ~~of each year~~, the county auditor of each county in which is located any property that ~~is receiving~~ received a tax abatement under section 5709.87 of the Revised Code for the preceding tax year shall report to the director of environmental protection for each such property both of the following as applicable ~~to tax year~~

1995: 43549

(a) The address of the property and the name of the owner as 43550
stated in the records of the county auditor of the county in which 43551
the property is located; 43552

(b) The amount of the valuation of the property that was 43553
exempted from real property taxation under that section. 43554

~~Not later than the thirty first day of March of each 43555
subsequent year, each such county auditor shall report the 43556
information described in those divisions to the director of 43557
environmental protection for each property within the county that 43558
is receiving a tax abatement under that section for the preceding 43559
tax year. 43560~~

(2) Not later than ~~July 1, 1996, and not later than~~ the first 43561
day of July of each ~~subsequent~~ year, the director of environmental 43562
protection shall compile the information provided to the director 43563
under division (B)(1) of this section applicable to the preceding 43564
tax year into a report covering all of the counties in the state 43565
in which are located properties receiving a tax abatement under 43566
section 5709.87 of the Revised Code for the preceding tax year. 43567

(C) Not later than ~~July 1, 1996, and not later than~~ the first 43568
day of July of each ~~subsequent~~ year, the director of environmental 43569
protection shall compile the information provided to the director 43570
by municipal corporations and counties under division (A) of 43571
section 5709.882 of the Revised Code applicable to the preceding 43572
calendar year into a report covering, by county, all of the 43573
municipal corporations and counties in this state in which are 43574
located properties receiving a tax abatement pursuant to an 43575
agreement entered into under section 5709.88 of the Revised Code. 43576

Sec. 3770.073. (A) If a person is entitled to a lottery prize 43577
award and is indebted to the state for the payment of any tax, 43578

workers' compensation premium, unemployment contribution, payment 43579
in lieu of unemployment contribution, certified claim under 43580
section 131.02 or 131.021 of the Revised Code, or is indebted to a 43581
political subdivision that has a certified claim under section 43582
131.02 of the Revised Code, lottery sales receipts held in trust 43583
on behalf of the state lottery commission as described in division 43584
(H)(4) of section 3770.05 of the Revised Code, or charge, penalty, 43585
or interest arising from these debts and if the amount of the 43586
prize money or the cost of goods or services awarded as a lottery 43587
prize award ~~is five thousand dollars or more~~ meets or exceeds the 43588
reportable winnings amount set by 26 U.S.C. 6041, the director of 43589
the state lottery commission, or the director's designee, shall do 43590
either of the following: 43591

(1) If the prize award will be paid in a lump sum, deduct 43592
from the prize award and pay to the attorney general an amount in 43593
satisfaction of the debt and pay any remainder to that person. If 43594
the amount of the prize award is less than the amount of the debt, 43595
the entire amount of the prize award shall be deducted and paid in 43596
partial satisfaction of the debt. 43597

(2) If the prize award will be paid in annual installments, 43598
on the date the initial installment payment is due, deduct from 43599
that installment and pay to the attorney general an amount in 43600
satisfaction of the debt and, if necessary to collect the full 43601
amount of the debt, do the same for any subsequent annual 43602
installments, at the time the installments become due and owing to 43603
the person, until the debt is fully satisfied. 43604

(B) If a person entitled to a lottery prize award owes more 43605
than one debt, any debt owed to the state shall be satisfied 43606
first, subject to both section 5739.33 and division (G) of section 43607
5747.07 of the Revised Code having first priority, and subject to 43608
division (C) of this section. 43609

(C) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section. 43610
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(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final. 43613
43614

Sec. 3772.01. As used in this chapter: 43615

(A) "Applicant" means any person who applies to the commission for a license under this chapter. 43616
43617

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs. 43618
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(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution. 43622
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(D) "Casino game" means any slot machine or table game as defined in this chapter. 43624
43625

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009, or horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009. 43626
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(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as 43638
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further defined in section 3772.131 of the Revised Code. 43640

(G) "Casino operator" means any person, trust, corporation, 43641
partnership, limited partnership, association, limited liability 43642
company, or other business enterprise that directly or indirectly 43643
holds an ownership or leasehold interest in a casino facility. 43644
"Casino operator" does not include an agency of the state, any 43645
political subdivision of the state, any person, trust, 43646
corporation, partnership, limited partnership, association, 43647
limited liability company, or other business enterprise that may 43648
have an interest in a casino facility, but who is legally or 43649
contractually restricted from conducting casino gaming. 43650

(H) "Central system" means a computer system that provides 43651
the following functions related to casino gaming equipment used in 43652
connection with casino gaming authorized under this chapter: 43653
security, auditing, data and information retrieval, and other 43654
purposes deemed necessary and authorized by the commission. 43655

(I) "Cheat" means to alter the result of a casino game, the 43656
element of chance, the operation of a machine used in a casino 43657
game, or the method of selection of criteria that determines (a) 43658
the result of the casino game, (b) the amount or frequency of 43659
payment in a casino game, (c) the value of a wagering instrument, 43660
or (d) the value of a wagering credit. "Cheat" does not include an 43661
individual who, without the assistance of another individual or 43662
without the use of a physical aid or device of any kind, uses the 43663
individual's own ability to keep track of the value of cards 43664
played and uses predictions formed as a result of the tracking 43665
information in the individual's playing and betting strategy. 43666

(J) "Commission" means the Ohio casino control commission. 43667

(K) "Gaming agent" means a peace officer employed by the 43668
commission that is vested with duties to enforce this chapter and 43669
conduct other investigations into the conduct of the casino gaming 43670

and the maintenance of the equipment that the commission considers 43671
necessary and proper and is in compliance with section 109.77 of 43672
the Revised Code. 43673

(L) "Gaming-related vendor" means any individual, 43674
partnership, corporation, association, trust, or any other group 43675
of individuals, however organized, who supplies gaming-related 43676
equipment, goods, or services to a casino operator or management 43677
company, that are directly related to or affect casino gaming 43678
authorized under this chapter, including, but not limited to, the 43679
manufacture, sale, distribution, or repair of slot machines and 43680
table game equipment. 43681

(M) "Holding company" means any corporation, firm, 43682
partnership, limited partnership, limited liability company, 43683
trust, or other form of business organization not a natural person 43684
which directly or indirectly does any of the following: 43685

(1) Has the power or right to control a casino operator, 43686
management company, or gaming-related vendor license applicant or 43687
licensee; 43688

(2) Holds an ownership interest of five per cent or more, as 43689
determined by the commission, in a casino operator, management 43690
company, or gaming-related vendor license applicant or licensee; 43691

(3) Holds voting rights with the power to vote five per cent 43692
or more of the outstanding voting rights of a casino operator, 43693
management company, or gaming-related vendor applicant or 43694
licensee. 43695

(N) "Initial investment" includes costs related to 43696
demolition, engineering, architecture, design, site preparation, 43697
construction, infrastructure improvements, land acquisition, 43698
fixtures and equipment, insurance related to construction, and 43699
leasehold improvements. 43700

(O) "Institutional investor" means any of the following 43701

entities owning five per cent or more, but less than fifteen per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter, and that does not exercise control over the affairs of a licensee and its ownership interest in a licensee is for investment purposes only, as set forth in division (F) of section 3772.10 of the Revised Code.

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

(1) An officer, director, trustee, partner, or an equivalent fiduciary;

(2) An individual who holds a direct or indirect ownership interest of five per cent or more;	43734 43735
(3) An individual who performs the function of a principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;	43736 43737 43738
(4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.	43739 43740 43741
(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.	43742 43743 43744 43745
(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.	43746 43747 43748 43749 43750 43751 43752 43753
(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.	43754 43755 43756 43757
(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing additional training opportunities to the law enforcement community.	43758 43759 43760 43761 43762
(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a	43763 43764

company, a joint venture, a partnership of any type, a joint-stock 43765
company, a corporation of any type, a corporate subsidiary of any 43766
type, a limited liability company, a business trust, or any other 43767
business entity or organization; an assignee; a receiver; a 43768
trustee in bankruptcy; an unincorporated association, club, 43769
society, or other unincorporated entity or organization; entities 43770
that are disregarded for federal income tax purposes; and any 43771
other nongovernmental, artificial, legal entity that is capable of 43772
engaging in business. 43773

(V) "Problem casino gambling and addictions fund" means the 43774
state problem gambling and addictions fund described in Section 43775
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 43776
shall be used for treatment of problem gambling and substance 43777
abuse, and for related research. 43778

(W) "Promotional gaming credit" means a slot machine or table 43779
game credit, discount, or other similar item issued to a patron to 43780
enable the placement of, or increase in, a wager at a slot machine 43781
or table game. 43782

(X) "Slot machine" means any mechanical, electrical, or other 43783
device or machine which, upon insertion of a coin, token, ticket, 43784
or similar object, or upon payment of any consideration, is 43785
available to play or operate, the play or operation of which, 43786
whether by reason of the skill of the operator or application of 43787
the element of chance, or both, makes individual prize 43788
determinations for individual participants in cash, premiums, 43789
merchandise, tokens, or any thing of value, whether the payoff is 43790
made automatically from the machine or in any other manner, but 43791
does not include any device that is a skill-based amusement 43792
machine, as defined in section 2915.01 of the Revised Code. 43793

(Y) "Table game" means any game played with cards, dice, or 43794
any mechanical, electromechanical, or electronic device or machine 43795
for money, casino credit, or any representative of value. "Table 43796

game" does not include slot machines. 43797

(Z) "Upfront license" means the first plenary license issued 43798
to a casino operator. 43799

(AA) "Voluntary exclusion program" means a program provided 43800
by the commission that allows persons to voluntarily exclude 43801
themselves from the gaming areas of facilities under the 43802
jurisdiction of the commission by placing their name on a 43803
voluntary exclusion list and following the procedures set forth by 43804
the commission. 43805

Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised 43806
Code, the attorney general shall develop and implement a real time 43807
data match program and make it available to each casino operator 43808
and management company to identify patrons who owe amounts to the 43809
state or a political subdivision. 43810

(B)(1) Before disbursing any casino winnings to a patron that 43811
meet or exceed the reportable winnings amount set by 26 U.S.C. 43812
6041, a casino operator or management company shall consult the 43813
data match program to determine whether the patron owes any 43814
amounts to the state or a political subdivision. If the data match 43815
program indicates that the patron owes any amounts to the state or 43816
a political subdivision, the casino operator or management company 43817
shall withhold from the patron's winnings an amount sufficient to 43818
satisfy those amounts, up to the amount of the winnings. 43819

(2) If the data match program described in section 3123.90 of 43820
the Revised Code indicates that the patron also is in default 43821
under a support order, the casino operator or management company 43822
shall transmit to the department of job and family services an 43823
amount sufficient to satisfy any past due support owed by the 43824
patron, up to the amount of the winnings, before transmitting any 43825
remaining amount to the attorney general under division (C) of 43826
this section. 43827

(C)(1) Not later than seven days after withholding an amount 43828
under division (B) of this section, the casino operator or 43829
management company shall transmit to the attorney general any 43830
amount withheld and not already disbursed to the department of job 43831
and family services under section 3123.90 of the Revised Code as 43832
payment on the amount owed. 43833

(2) If the patron owes more than one amount to the state or a 43834
political subdivision as identified by the data match program 43835
described in this section, the amount owed to the state shall be 43836
satisfied first, except that any amounts owed under section 43837
5739.33 and division (G) of section 5747.07 of the Revised Code 43838
shall have first priority. 43839

(D) Except as otherwise provided in section 131.021 of the 43840
Revised Code, this section applies only to amounts owed that have 43841
become final. 43842

(E) The attorney general, in consultation with the 43843
commission, may adopt rules under Chapter 119. of the Revised Code 43844
as necessary to implement this section. 43845

Sec. 3791.07. (A) The board of building standards may 43846
superintendent of industrial compliance shall establish such 43847
reasonable inspection fee schedules as it the superintendent 43848
determines necessary or desirable relating to the inspection of 43849
all plans and specifications submitted for approval to the 43850
division of industrial compliance, and all industrialized units 43851
inspected at the point of origin and at the construction site of 43852
the building. The inspection fee schedule established shall be 43853
adopted by rule, in accordance with Chapter 119. of the Revised 43854
Code, and shall bear some reasonable relationship to the cost of 43855
administering and enforcing the provisions of Chapters 3781. and 43856
3791. of the Revised Code. 43857

(B) In addition to the fee assessed in division (A) of this 43858

section, the board of building standards shall assess a fee of not 43859
more than five dollars for each application for acceptance and 43860
approval of plans and specifications and for making inspections 43861
pursuant to section 3791.04 of the Revised Code. The board shall 43862
adopt rules, in accordance with Chapter 119. of the Revised Code, 43863
specifying the manner by which the superintendent of industrial 43864
compliance shall collect and remit to the board the fees assessed 43865
under this division and requiring that remittance of the fees be 43866
made at least quarterly. 43867

(C) Any person who fails to pay an inspection fee required 43868
for any inspection conducted by the department of commerce 43869
pursuant to Chapters 3781. and 3791. of the Revised Code, except 43870
for fees charged for the inspection of plans and specifications, 43871
within forty-five days after the inspection is conducted, shall 43872
pay a late payment fee equal to twenty-five per cent of the 43873
inspection fee. 43874

(D) The board of building standards shall pay the fees 43875
assessed under this section into the state treasury to the credit 43876
of the industrial compliance operating fund created in section 43877
121.084 of the Revised Code. 43878

Sec. 3794.01. Definitions. 43879

As used in this chapter: 43880

(A) "Smoking" means inhaling, exhaling, burning, or carrying 43881
any lighted ~~cigar, cigarette, pipe, or other lighted smoking~~ 43882
~~device for burning tobacco or any other plant or heated tobacco~~ 43883
product or plant product intended for inhalation in any manner or 43884
in any form. "Smoking" includes the use of an electronic smoking 43885
device and a vapor product, as those terms are defined in section 43886
2927.02 of the Revised Code. "Smoking" does not include the 43887
burning of incense in a religious ceremony. 43888

(B) "Public place" means an enclosed area to which the public 43889
is invited or in which the public is permitted and that is not a 43890
private residence. 43891

(C) "Place of employment" means an enclosed area under the 43892
direct or indirect control of an employer that the employer's 43893
employees use for work or any other purpose, including but not 43894
limited to, offices, meeting rooms, sales, production and storage 43895
areas, restrooms, stairways, hallways, warehouses, garages, and 43896
vehicles. An enclosed area as described herein is a place of 43897
employment without regard to the time of day or the presence of 43898
employees. 43899

(D) "Employee" means a person who is employed by an employer, 43900
or who contracts with an employer or third person to perform 43901
services for an employer, or who otherwise performs services for 43902
an employer for compensation or for no compensation. 43903

(E) "Employer" means the state or any individual, business, 43904
association, political subdivision, or other public or private 43905
entity, including a nonprofit entity, that employs or contracts 43906
for or accepts the provision of services from one or more 43907
employees. 43908

(F) "Enclosed Area" means an area with a roof or other 43909
overhead covering of any kind and walls or side coverings of any 43910
kind, regardless of the presence of openings for ingress and 43911
egress, on all sides or on all sides but one. 43912

(G) "Proprietor" means an employer, owner, manager, operator, 43913
liquor permit holder, or person in charge or control of a public 43914
place or place of employment. 43915

(H) "Retail tobacco store" means a retail establishment that 43916
derives more than eighty ~~percent~~ per cent of its gross revenue 43917
from the sale of ~~cigars, cigarettes, pipes, or other smoking~~ 43918
~~devices for burning tobacco~~ lighted or heated tobacco products and 43919

related smoking accessories and in which the sale of other 43920
products is merely incidental. "Retail tobacco store" does not 43921
include a tobacco department or section of a larger commercial 43922
establishment or of any establishment with a liquor permit or of 43923
any restaurant. 43924

(I) "Outdoor patio" means an area that is either: enclosed by 43925
a roof or other overhead covering and walls or side coverings on 43926
not more than two sides; or has no roof or other overhead covering 43927
regardless of the number of walls or other side coverings. 43928

Sec. 3929.87. Within ninety days of the occurrence of a fire 43929
loss in excess of five thousand dollars to real or personal 43930
property, the state fire marshal or any other person authorized to 43931
make an investigation pursuant to section 3737.24 of the Revised 43932
Code shall determine, to the extent practicable and in a manner 43933
consistent with accepted standards of investigation, whether such 43934
loss was caused by arson. 43935

Sec. 3953.331. (A) For a title insurance company that is a 43936
joint venture, the annual review required under section 3953.33 of 43937
the Revised Code shall assess whether or not all members of the 43938
joint venture received revenue during the year in question from 43939
the title company commensurate to their ownership interest in the 43940
title company. The superintendent of insurance shall promulgate 43941
rules under Chapter 119. of the Revised Code setting forth the 43942
standards of the review required under this section and the form 43943
in which this information is to be provided. 43944

(B) Title insurance companies that are joint ventures shall 43945
maintain sufficient records of their affairs, including their 43946
escrow operations, escrow trust accounts, and operating accounts 43947
so that the superintendent may adequately ensure that the title 43948
insurance company that is a joint venture and all members of the 43949

joint venture are in compliance with the requirements of this 43950
section. Records kept pursuant to this section shall be kept for a 43951
period of not less than ten years following the transactions to 43952
which the records relate. The superintendent may prescribe the 43953
specific records and documents to be kept. 43954

Sec. 3953.36. For a title company that is a joint venture 43955
that is set to dissolve or terminate on a specified date, all 43956
members of that joint venture shall be allowed or invited to join 43957
any successor joint ventures formed upon dissolution or 43958
termination of the original joint venture. 43959

Sec. 4104.32. Except as provided pursuant to section 4104.37 43960
of the Revised Code, no person shall operate a historical boiler 43961
in this state in a place that is open to the public unless the 43962
both of the following requirements are satisfied: 43963

(A) The person operating the boiler is licensed under section 43964
4104.35 of the Revised Code. 43965

(B) The owner of the boiler holds a current valid certificate 43966
of operation for the historical boiler pursuant to section 4104.36 43967
of the Revised Code. 43968

Sec. 4104.33. There is hereby created the historical boilers 43969
licensing board consisting of seven members, three of whom shall 43970
be appointed by the governor with the advice and consent of the 43971
senate. The governor shall make initial appointments to the board 43972
within ninety days after the effective date of this section. Of 43973
the initial members appointed by the governor, one shall be for a 43974
term ending three years after the effective date of this section, 43975
one shall be for a term ending four years after the effective date 43976
of this section, and one shall be for a term ending five years 43977
after the effective date of this section. Thereafter, terms of 43978
office shall be for five years, each term ending on the same day 43979

of the same month of the year as did the term that it succeeds. Of 43980
the three members the governor appoints, one member shall be an 43981
employee of the division of boiler inspection in the department of 43982
commerce; one member shall be an independent mechanical engineer 43983
who is not involved in selling or inspecting historical boilers; 43984
and one shall be an active member of an association that 43985
represents managers of fairs or festivals. 43986

Two members of the board shall be appointed by the president 43987
of the senate and two members of the board shall be appointed by 43988
the speaker of the house of representatives. The president and 43989
speaker shall make initial appointments to the board within ninety 43990
days after the effective date of this section. Of the initial 43991
members appointed by the president, one shall be for a term ending 43992
four years after the effective date of this section and one shall 43993
be for a term ending five years after the effective date of this 43994
section. Of the initial members appointed by the speaker, one 43995
shall be for a term ending three years after the effective date of 43996
this section and one shall be for a term ending five years after 43997
the effective date of this section. Thereafter, terms of office 43998
shall be for five years, each term ending on the same day of the 43999
same month of the year as did the term that it succeeds. Of the 44000
four members appointed by the president and speaker, each shall 44001
own a historical boiler and also have at least ten years of 44002
experience in the operation of historical boilers, and each of 44003
these four members shall reside in a different region of the 44004
state. 44005

Each member shall hold office from the date of the member's 44006
appointment until the end of the term for which the member was 44007
appointed. Members may be reappointed. Vacancies shall be filled 44008
by the director of commerce, and shall not require the advice and 44009
consent of the senate. Any member appointed to fill a vacancy 44010
occurring prior to the expiration date of the term for which the 44011

member's predecessor was appointed shall hold office as a member 44012
for the remainder of that term. A member shall continue in office 44013
subsequent to the expiration date of the member's term until the 44014
successor takes office or until a period of sixty days has 44015
elapsed, whichever occurs first. 44016

The members of the board, annually, shall elect, by majority 44017
vote, a chairperson from among their members. The board shall meet 44018
at least once annually and at other times at the call of the 44019
chairperson. Board members shall receive their actual and 44020
necessary expenses incurred in the discharge of their duties as 44021
board members. The superintendent of industrial compliance shall 44022
call the first meeting of the board, and the superintendent, or 44023
the superintendent's designee, shall act as an ex officio 44024
chairperson at the first meeting for the sole purpose of electing 44025
a chairperson. 44026

The superintendent of industrial compliance shall furnish 44027
office space, staff, and supplies to the board as the 44028
superintendent determines are necessary for the board to carry out 44029
its official duties under sections 4104.33 to 4104.37 of the 44030
Revised Code. 44031

Sec. 4104.34. ~~The division of industrial compliance in the~~ 44032
~~department of commerce~~ historical boilers licensing board shall do 44033
all of the following: 44034

(A) Adopt rules concerning all of the following: 44035

(1) Criteria that inspectors of historical boilers shall 44036
utilize in determining the safe operation of historical boilers; 44037

(2) Procedures for the inspection of historical boilers; 44038

(3) The standards for riveted or welded repairs or 44039
alterations made to historical boilers; 44040

(4) Standards and procedures for the revocation of a 44041

historical boiler operator's license, which shall include an 44042
opportunity for appeal and hearing in accordance with Chapter 119. 44043
of the Revised Code; 44044

(5) Standards for requalifying for a license after revocation 44045
of a license; 44046

(6) Standards and procedures for conducting hydrostatic 44047
tests, and requirements for reporting the results of those tests 44048
to the ~~division~~ board, as required under division (F) of section 44049
4104.36 of the Revised Code; 44050

~~(5)~~(7) Standards for the public display and operation of 44051
historical boilers in this state by historical boiler operators 44052
who reside outside of this state. 44053

(B) Issue triennial certificates of operation for historical 44054
boilers that pass the inspection required under section 4104.36 of 44055
the Revised Code; 44056

(C) Conduct hearings in accordance with Chapter 119. of the 44057
Revised Code for any person who appeals a decision made by an 44058
inspector regarding whether the person should be denied a 44059
certificate of operation for the person's historical boiler; 44060

(D) Establish a fee for the inspection of historical boilers 44061
conducted pursuant to division (B) of section 4104.36 of the 44062
Revised Code in an amount sufficient to reimburse the department 44063
of commerce for the cost of conducting those inspections; 44064

(E) Reimburse the department of commerce for the cost of 44065
inspections performed by the division of boiler inspection 44066
pursuant to section 4104.36 of the Revised Code; 44067

(F) Issue licenses to operate historical boilers in public to 44068
persons who meet the requirements of section 4104.35 of the 44069
Revised Code; 44070

(G) Grant approval of historical boiler operator's courses as 44071

<u>the board determines appropriate;</u>	44072
<u>(H) Grant approval of written or verbal examinations that are developed to test competence in operating historical boilers;</u>	44073 44074
<u>(I) For purposes of section 4104.37 of the Revised Code, determine the smallest size of historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code;</u>	44075 44076 44077
(F) <u>(J) For purposes of inspection criteria adopted by the division board pursuant to division (A)(1) of this section, establish the criteria based upon the manufacturing standards for safe operation that are established by the various manufacturers of historical boilers;</u>	44078 44079 44080 44081 44082
(G) <u>(K) Appoint safety committees to conduct the hydrostatic tests required under division (F) of section 4104.36 of the Revised Code;</u>	44083 44084 44085
(H) <u>(L) Establish requirements for the minimum amount of liability insurance that an owner of historical boilers shall carry on each historical boiler operated in public that the owner owns, if the division board determines that a minimum amount should be established.</u>	44086 44087 44088 44089 44090
<u>Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. The board shall issue a license to any person who satisfies the following criteria:</u>	44091 44092 44093 44094
<u>(1) Is sixteen years of age or older;</u>	44095
<u>(2) Has completed a historical boiler operator's course that is approved by the board;</u>	44096 44097
<u>(3) Passes a written or verbal examination that is approved by the board and that tests for competence in operating historical boilers;</u>	44098 44099 44100

(4) Has at least one hundred hours of actual operating experience or training in the operation of historical boilers. 44101
44102

(B) A person who satisfies the criteria described in division (A) of this section shall pay a one-time fee of fifty dollars for the issuance of a license under this section. 44103
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(C) A license issued under this section is valid for the lifetime of the operator unless the license is revoked by the board pursuant to division (E) of this section. 44106
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44108

(D) Persons who are under the age of sixteen may be trained in the operation of historical boilers by serving as apprentices to operators who are licensed under this section, in order to obtain the training required under division (A)(4) of this section for licensure. 44109
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(E) The board shall revoke a license issued under this section in accordance with rules the board adopts under division (A)(4) of section 4104.34 of the Revised Code. A person whose license is revoked may requalify for licensure if the person satisfies the criteria the board establishes in rules it adopts pursuant to division (A)(5) of section 4104.34 of the Revised Code. 44114
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Sec. 4104.36. (A) The owner of a historical boiler that is operated in public shall maintain a current valid certificate of operation for the historical boiler in accordance with the requirements of this section. 44121
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(B) At least once every three years, inspectors designated by the ~~superintendent of industrial compliance~~ chief of the division of boiler inspection in the department of commerce shall inspect thoroughly, internally and externally, and under operating conditions, all historical boilers that are operated in public and their appurtenances. Inspectors shall examine the smoke box, 44125
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barrel, wrapped sheet, dome, water column and water glass, 44131
firebox, external plumbing, fusible plug, pressure relief valve, 44132
and pressure gauge. 44133

(C) After conducting the inspection required under division 44134
(B) of this section, the inspector shall evaluate whether the 44135
historical boiler is in safe operating condition according to 44136
rules adopted by the ~~division of industrial compliance~~ historical 44137
boiler licensing board pursuant to division (A)(1) of section 44138
4104.34 of the Revised Code. If the inspector finds that the 44139
historical boiler is in safe operating condition, the inspector 44140
shall recommend that the ~~division~~ board issue a certificate of 44141
operation for the historical boiler. If the ~~division~~ board concurs 44142
with the recommendation of the inspector, the ~~division~~ board shall 44143
issue a certificate of operation for the historical boiler 44144
inspected by that inspector. A certificate of operation is valid 44145
for a period of three years after the date of issuance. 44146

(D) If an inspector does not recommend the issuance of a 44147
certificate of operation for the historical boiler or if the 44148
~~division~~ board decides not to issue a certificate of operation, 44149
the owner of the historical boiler may file an appeal with the 44150
~~division~~ board, and the ~~division~~ board shall conduct a hearing in 44151
accordance with Chapter 119. of the Revised Code. 44152

(E) The owner of a historical boiler that is operated in 44153
public shall display the certificate of operation in a prominent 44154
place on the historical boiler during its operation. 44155

(F) At least once every three years, a safety committee 44156
appointed by the ~~division~~ board pursuant to division ~~(G)~~ (K) of 44157
section 4104.34 of the Revised Code shall conduct a hydrostatic 44158
test at one and one-quarter of the maximum allowable working 44159
pressure on all publicly operated historical boilers that are 44160
assigned by the ~~division~~ board for testing by that safety 44161
committee. The safety committee shall submit the results of each 44162

hydrostatic test to the ~~division board~~ board in accordance with rules 44163
adopted by the ~~division board~~ pursuant to division ~~(A)(4)~~ (A)(6) 44164
of section 4104.34 of the Revised Code. 44165

Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised Code 44166
do not apply to historical boilers that are smaller than the size 44167
determined by the ~~division of industrial compliance~~ historical 44168
boilers licensing board pursuant to division ~~(E)~~ (I) of section 44169
4104.34 of the Revised Code. 44170

Sec. 4117.103. Notwithstanding any provision of section 44171
4117.08 or 4117.10 of the Revised Code to the contrary, no 44172
agreement entered into under this chapter on or after September 44173
29, 2005, shall prohibit a school district board of education from 44174
utilizing volunteers to assist the district and its schools in 44175
performing any of their functions, other than functions for which 44176
a license, permit, ~~or~~ certificate, or registration issued by the 44177
state board of education under section 3301.074 or Chapter 3319. 44178
of the Revised Code or a certificate issued under division (A) or 44179
(B) of section 3327.10 of the Revised Code is required. 44180

Sec. 4141.131. The director of job and family services may 44181
enter into contracts for the sale of real property no longer 44182
needed by the director of job and family services for the 44183
operations of the director of job and family services under this 44184
title. Any costs attributable to the director of job and family 44185
services that are associated with the sale of real property under 44186
this section shall be paid out of the unemployment compensation 44187
special administrative fund established pursuant to section 44188
4141.11 of the Revised Code. The director of job and family 44189
services shall submit a report summarizing the use of that fund 44190
for the purpose of this section at least annually to the 44191
unemployment compensation advisory council as prescribed by the 44192

council. 44193

The ~~auditor of state~~ director of administrative services, 44194
with the assistance of the attorney general, shall prepare a deed 44195
to the real property being sold upon notice from the director of 44196
job and family services that a contract for the sale of that 44197
property has been executed in accordance with this section. The 44198
deed shall state the consideration and any conditions placed upon 44199
the sale. The deed shall be executed by the governor in the name 44200
of the state, countersigned by the secretary of state, sealed with 44201
the great seal of the state, presented in the office of the 44202
~~auditor of state~~ director of administrative services for 44203
recording, and delivered to the buyer upon payment of the balance 44204
of the purchase price. 44205

The buyer shall present the deed for recording in the county 44206
recorder's office of the county in which the real property is 44207
located. 44208

Sec. 4141.21. Except as provided in section 4141.162 of the 44209
Revised Code, and subject to section 4141.43 of the Revised Code, 44210
the information maintained by the director of job and family 44211
services or the unemployment compensation review commission or 44212
furnished to the director or commission by employers or employees 44213
pursuant to this chapter is for the exclusive use and information 44214
of the department of job and family services and the commission in 44215
the discharge of ~~its~~ their duties and shall not be open to the 44216
public or be used in any court in any action or proceeding pending 44217
therein, or be admissible in evidence in any action, other than 44218
one arising under this chapter or section 5733.42 of the Revised 44219
Code. All of the information and records necessary or useful in 44220
the determination of any particular claim for benefits or 44221
necessary in verifying any charge to an employer's account under 44222
sections 4141.23 to 4141.26 of the Revised Code shall be available 44223

for examination and use by the employer and the employee involved 44224
or their authorized representatives in the hearing of such cases, 44225
and that information may be tabulated and published in statistical 44226
form for the use and information of the state departments and the 44227
public. 44228

Sec. 4141.22. (A) No person shall disclose any information 44229
that was maintained by the director of job and family services or 44230
the unemployment compensation review commission or that was 44231
furnished to the director or the commission by employers or 44232
employees pursuant to this chapter, unless such disclosure is 44233
permitted under section 4141.21 of the Revised Code. 44234

(B) No person in the employ of the director ~~of job and family~~ 44235
~~services or~~ a county family services agency ~~or~~ a workforce 44236
development agency, or the commission, or who has been in the 44237
employ of the director ~~or~~ those agencies, or the commission, at 44238
any time, shall divulge any information maintained by or furnished 44239
to the director or the commission under this chapter and secured 44240
by the person while so employed, in respect to the transactions, 44241
property, business, or mechanical, chemical, or other industrial 44242
process of any person, firm, corporation, association, or 44243
partnership to any person other than the director or other 44244
employees of the department of job and family services or a 44245
county family services agency ~~or~~ workforce development agency, or 44246
the commission, as required by the person's duties, or to other 44247
persons as authorized by the director under section 4141.43 of the 44248
Revised Code. 44249

Whoever violates this section shall be disqualified from 44250
holding any appointment or employment by the director ~~or~~ a county 44251
family services agency ~~or~~ a workforce development agency, or the 44252
commission. 44253

Sec. 4141.51. (A) An employer who wishes to participate in 44254
the SharedWork Ohio program shall submit a plan to the director of 44255
job and family services in which the employer does all of the 44256
following: 44257

(1) Identifies the participating employees by name, social 44258
security number, affected unit, and normal weekly hours of work; 44259

(2) Describes the manner in which the employer will implement 44260
the requirements of the SharedWork Ohio program, including the 44261
proposed reduction percentage, which shall be between ten per cent 44262
and ~~fifty~~ sixty per cent, and any temporary closure of the 44263
participating employer's business for equipment maintenance or 44264
other similar circumstances that the employer knows may occur 44265
during the effective period of an approved plan; 44266

(3) Includes a plan for giving advance notice, if feasible, 44267
to an employee whose normal weekly hours of work are to be reduced 44268
and, if advance notice is not feasible, an explanation of why that 44269
notice is not feasible; 44270

(4) Includes a certification by the employer that the 44271
aggregate reduction in the number of hours worked by the employees 44272
of the employer is in lieu of layoffs and includes an estimate of 44273
the number of layoffs that would have occurred absent the ability 44274
to participate in the SharedWork Ohio program; 44275

(5) Includes a certification by the employer that if the 44276
employer provides health benefits and retirement benefits under a 44277
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 44278
or contributions under a defined contribution plan as defined in 44279
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 44280
hours of work are reduced under the program that such benefits 44281
will continue to be provided to an employee participating in the 44282
SharedWork Ohio program under the same terms and conditions as 44283
though the normal weekly hours of work of the employee had not 44284

been reduced or to the same extent as other employees not participating in the program;	44285 44286
(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;	44287 44288 44289 44290 44291
(7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code;	44292 44293 44294
(8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws;	44295 44296 44297 44298
(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan;	44299 44300 44301 44302 44303 44304 44305
(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;	44306 44307 44308 44309
(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;	44310 44311 44312 44313
(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary,	44314 44315

or intermittent basis; 44316

(13) Includes an assurance from the employer that the 44317
employer will not reduce a participating employee's normal weekly 44318
hours of work by more than the reduction percentage, except in the 44319
event of a temporary closure of the employer's business for 44320
equipment maintenance, or when the employee takes approved time 44321
off during the week with pay, and the combined work hours and paid 44322
leave hours equal the number of hours the employee would have 44323
worked under the plan. 44324

(B) The director shall approve a shared work plan if an 44325
employer includes in the plan all of the information, 44326
certifications, and assurances required under division (A) of this 44327
section. 44328

(C) The director shall approve or deny a shared work plan and 44329
shall send a written notice to the employer stating whether the 44330
director approved or denied the plan not later than ~~thirty~~ ten 44331
days after the director receives the plan. If the director denies 44332
approval of a shared work plan, the director shall state the 44333
reasons for denying approval in the written notice sent to the 44334
employer. 44335

(D) The director shall enforce the requirements of the 44336
SharedWork Ohio program in the same manner as the director 44337
enforces the requirements of this chapter, including under section 44338
4141.40 of the Revised Code. 44339

Sec. 4141.53. (A) An individual is eligible to receive shared 44340
work compensation for a week in which the individual satisfies all 44341
of the following: 44342

(1) The individual is employed by a participating employer 44343
and is subject to a shared work plan that was approved before that 44344
week and is in effect for that week. 44345

(2) The individual is available for work and is actively seeking work by being available for the individual's normal weekly hours of work. 44346
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(3) The individual's normal weekly hours of work with the participating employer have been reduced by at least ten per cent but not more than ~~fifty~~ sixty per cent. 44349
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(4) The individual has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for those weeks. 44352
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(5) The individual has been subject to a shared work plan for at least one week prior to the week for which the compensation is to be paid, or otherwise satisfies the waiting period requirement of division (B) of section 4141.29 of the Revised Code for the individual's benefit year. 44358
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(6) The individual otherwise satisfies the requirements of this chapter and is not otherwise disqualified from receiving unemployment compensation benefits. 44363
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(B) For purposes of division (A)(2) of this section, an individual is available for the individual's normal weekly hours of work with the participating employer if the individual does any of the following: 44366
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(1) Works the number of weekly hours assigned to the individual under an approved shared work plan; 44370
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(2) Works fewer hours than the number of weekly hours assigned to the individual under an approved shared work plan and either of the following apply: 44372
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(a) The individual takes approved time off during the week 44375

with pay, and the combined work hours and paid leave hours equal 44376
the number of hours the employee would have worked under the plan; 44377

(b) The individual does not take approved time off with pay 44378
during that week and the reduction in hours was not the fault of 44379
the individual and was not more than ~~fifty~~ sixty per cent of the 44380
individual's normal weekly hours of work. 44381

(C)(1) Except as provided in division (C)(2) or (D) of this 44382
section, the director of job and family services shall pay a 44383
participating employee who is eligible for weekly shared work 44384
compensation in an amount equal to the participating employee's 44385
weekly benefit amount as described in division (B) of section 44386
4141.30 of the Revised Code for a period of total unemployment, 44387
multiplied by the reduction percentage specified in the approved 44388
shared work plan applicable to the participating employee. 44389

(2) The director shall pay a participating employee who is 44390
eligible for weekly shared work compensation in an amount equal to 44391
the participating employee's weekly benefit amount as described in 44392
division (B) of section 4141.30 of the Revised Code for a period 44393
of total unemployment, multiplied by the percentage by which the 44394
participating employee's normal weekly hours of work were actually 44395
reduced during the workweek, if all of the following apply: 44396

(a) The participating employee did not take approved paid 44397
leave during the week. 44398

(b) The participating employee's normal weekly hours of work 44399
were actually reduced by not less than ten per cent and not 44400
greater than ~~fifty~~ sixty per cent. 44401

(c) The increase or decrease in the participating employee's 44402
hours above or below the number of hours assigned to the employee 44403
in the approved shared work plan was not the fault of the 44404
employee. 44405

(3) The director shall determine fault for purposes of 44406

divisions (B)(2)(b) and (C)(2)(c) of this section in the same 44407
manner that the director makes determinations for benefit rights 44408
and determines claims for unemployment compensation benefits under 44409
sections 4141.28 and 4141.281 of the Revised Code. 44410

(4) The director shall round the amount of a shared work 44411
compensation payment that is not a multiple of one dollar to the 44412
next lower multiple of one dollar. 44413

(5) No shared work compensation shall be payable during the 44414
one-week period described in division (A)(5) of this section. 44415

(D) If an individual works for a participating employer and 44416
another employer during the weeks the individual is covered by an 44417
approved shared work plan, eligibility for shared work 44418
compensation is determined as follows: 44419

(1) If the combined number of hours the individual works for 44420
both the participating employer and the other employer in a week 44421
exceeds the amount of the individual's normal weekly hours of work 44422
reduced by ten per cent, the individual is not eligible for shared 44423
work compensation. 44424

(2) If the combined number of hours the individual works in a 44425
week for both employers equals the amount of the individual's 44426
normal weekly hours of work reduced between ten and ~~fifty~~ sixty 44427
per cent, the director shall pay the individual, if the individual 44428
is otherwise eligible, shared work compensation in an amount equal 44429
to the individual's weekly benefit amount as described in division 44430
(B) of section 4141.30 of the Revised Code for a period of total 44431
unemployment, multiplied by the percentage by which the 44432
individual's normal weekly hours of work were reduced during the 44433
week when factoring in both the amount of hours worked for the 44434
other employer and the amount of hours worked for the 44435
participating employer. 44436

(E) A participating employee is not entitled to receive 44437

shared work compensation and unemployment compensation benefits 44438
that, when combined, exceed the maximum total benefits payable to 44439
the participating employee in a benefit year under section 4141.30 44440
of the Revised Code. No participating employee shall be paid 44441
shared work compensation during the employee's benefit year in an 44442
amount that exceeds twenty-six times the amount of the employee's 44443
weekly benefit amount for a period of total unemployment under 44444
section 4141.30 of the Revised Code. 44445

(F) An individual who has received all of the shared work 44446
compensation and unemployment compensation benefits available in a 44447
benefit year is an individual who has exhausted regular benefits 44448
under section 4141.30 of the Revised Code and is entitled to 44449
receive extended benefits under section 4141.301 of the Revised 44450
Code if the individual is otherwise eligible to receive benefits 44451
under that section. 44452

(G) Except as provided in division (C)(2) of this section, 44453
the director shall not pay shared work compensation to an 44454
individual for a week during which the individual performs paid 44455
work for the individual's participating employer that exceeds or 44456
falls below the reduced hours established under an approved shared 44457
work plan that covers the individual. 44458

(H)(1) Except as provided in divisions (H)(2) and (3) of this 44459
section, a participating employee is not eligible to receive 44460
benefits for being partially unemployed for any week during which 44461
the individual works as a participating employee. 44462

(2) A participating employee who performs no services during 44463
a week for the participating employer and who is otherwise 44464
eligible may be paid benefits for being totally or partially 44465
unemployed for that week. 44466

(3) A participating employee whose normal weekly hours of 44467
work are reduced by more than ~~fifty~~ sixty per cent and who is 44468

otherwise eligible may be paid benefits for partial unemployment 44469
for that week. 44470

(I) Any payment of total or partial unemployment compensation 44471
benefits under this section is not a payment of shared work 44472
compensation under an approved plan but shall be calculated 44473
against the maximum total benefits payable to the participating 44474
employee in a benefit year under section 4141.30 of the Revised 44475
Code. 44476

(J) For purposes of this section and unless another benefit 44477
year applies to the individual, notwithstanding division (R)(1) of 44478
section 4141.01 of the Revised Code, a participating employee's 44479
"benefit year" is the fifty-two week period beginning with the 44480
first day of that week with respect to which the employee's 44481
participating employer first files a claim on behalf of the 44482
participating employee pursuant to division (B) of section 4141.54 44483
of the Revised Code. 44484

Sec. 4141.55. (A) If the state is eligible for and receives 44485
reimbursement for shared work compensation paid under the 44486
SharedWork Ohio program from the federal government pursuant to 44487
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 44488
126 Stat. 156, or any other federal law, notwithstanding section 44489
4141.24 of the Revised Code and if permitted under that act or 44490
other federal law, during the time period in which the state is 44491
fully or partially reimbursed the account of an employer shall not 44492
be charged for the portion of any shared work compensation paid to 44493
a participating employer's participating employees for which the 44494
state receives reimbursement. If the federal government does not 44495
provide full reimbursement for shared work compensation paid to an 44496
individual under section 4141.53 of the Revised Code, the portion 44497
of shared work compensation paid to that individual that is not 44498
reimbursed shall be charged in accordance with division (C) of 44499

this section. 44500

(B) Beginning with the week for which the federal government 44501
no longer provides reimbursement, or if the state does not receive 44502
reimbursement or the federal government requires an employer's 44503
account to be charged, any shared work compensation paid to an 44504
individual shall be charged in accordance with division (C) of 44505
this section. 44506

(C) Except as provided in divisions (A) and (B) of this 44507
section, any shared work compensation paid to an individual under 44508
section 4141.53 of the Revised Code shall be charged in accordance 44509
with division (D) of section 4141.24 of the Revised Code. 44510

Sec. 4301.03. The liquor control commission may adopt and 44511
promulgate, repeal, rescind, and amend, in the manner required by 44512
this section, rules, standards, requirements, and orders necessary 44513
to carry out this chapter and Chapter 4303. of the Revised Code, 44514
but all rules of the board of liquor control that were in effect 44515
immediately prior to April 17, 1963, shall remain in full force 44516
and effect as rules of the liquor control commission until and 44517
unless amended or repealed by the liquor control commission. The 44518
rules of the commission may include the following: 44519

(A) Rules with reference to applications for and the issuance 44520
of permits for the manufacture, distribution, transportation, and 44521
sale of beer and intoxicating liquor, and the sale of alcohol; and 44522
rules governing the procedure of the division of liquor control in 44523
the suspension, revocation, and cancellation of those permits; 44524

(B) Rules and orders providing in detail for the conduct of 44525
any retail business authorized under permits issued pursuant to 44526
this chapter and Chapter 4303. of the Revised Code, with a view to 44527
ensuring compliance with those chapters and laws relative to them, 44528
and the maintenance of public decency, sobriety, and good order in 44529

any place licensed under the permits. No rule or order shall 44530
prohibit the operation of video lottery terminal games at a 44531
commercial race track where live horse racing and simulcasting are 44532
conducted in accordance with Chapter 3769. of the Revised Code or 44533
the sale of lottery tickets issued pursuant to Chapter 3770. of 44534
the Revised Code by any retail business authorized under permits 44535
issued pursuant to that chapter. 44536

No rule or order shall prohibit pari-mutuel wagering on 44537
simulcast horse races at a satellite facility that has been issued 44538
a D liquor permit under Chapter 4303. of the Revised Code. No rule 44539
or order shall prohibit a charitable organization that holds a D-4 44540
permit from selling or serving beer or intoxicating liquor under 44541
its permit in a portion of its premises merely because that 44542
portion of its premises is used ~~at other times~~ for the conduct of 44543
a bingo game, as described in division (O) of section 2915.01 of 44544
the Revised Code. ~~However, such an organization shall not sell or~~ 44545
~~serve beer or intoxicating liquor or permit beer or intoxicating~~ 44546
~~liquor to be consumed or seen in the same location in its premises~~ 44547
~~where a bingo game, as described in division (O)(1) of section~~ 44548
~~2915.01 of the Revised Code, is being conducted while the game is~~ 44549
~~being conducted.~~ As used in this division, "charitable 44550
organization" has the same meaning as in division (H) of section 44551
2915.01 of the Revised Code. No rule or order pertaining to 44552
visibility into the premises of a permit holder after the legal 44553
hours of sale shall be adopted or maintained by the commission. 44554

(C) Standards, not in conflict with those prescribed by any 44555
law of this state or the United States, to secure the use of 44556
proper ingredients and methods in the manufacture of beer, mixed 44557
beverages, and wine to be sold within this state; 44558

(D) Rules determining the nature, form, and capacity of all 44559
packages and bottles to be used for containing beer or 44560
intoxicating liquor, except for spirituous liquor to be kept or 44561

sold, governing the form of all seals and labels to be used on	44562
those packages and bottles;	44563
(E) Rules requiring the label on every package, bottle, and	44564
container to state all of the following, as applicable:	44565
(1) The ingredients in the contents;	44566
(2) Except for beer, the terms of weight, volume, or proof	44567
spirits;	44568
(3) Except for spirituous liquor, whether the product is	44569
beer, wine, alcohol, or any intoxicating liquor;	44570
(4) Regarding beer that contains more than twelve per cent of	44571
alcohol by volume, the percentage of alcohol by volume and that	44572
the beer is a "high alcohol beer."	44573
(F) Uniform rules governing all advertising with reference to	44574
the sale of beer and intoxicating liquor throughout the state and	44575
advertising upon and in the premises licensed for the sale of beer	44576
or intoxicating liquor;	44577
(G) Rules restricting and placing conditions upon the	44578
transfer of permits;	44579
(H) Rules and orders limiting the number of permits of any	44580
class within the state or within any political subdivision of the	44581
state; and, for that purpose, adopting reasonable classifications	44582
of persons or establishments to which any authorized class of	44583
permits may be issued within any political subdivision;	44584
(I) Rules and orders with reference to sales of beer and	44585
intoxicating liquor on Sundays and holidays and with reference to	44586
the hours of the day during which and the persons to whom	44587
intoxicating liquor of any class may be sold, and rules with	44588
reference to the manner of sale;	44589
(J) Rules requiring permit holders buying beer to pay and	44590
permit holders selling beer to collect minimum cash deposits for	44591

kegs, cases, bottles, or other returnable containers of the beer; 44592
requiring the repayment, or credit, of the minimum cash deposit 44593
charges upon the return of the empty containers; and requiring the 44594
posting of such form of indemnity or such other conditions with 44595
respect to the charging, collection, and repayment of minimum cash 44596
deposit charges for returnable containers of beer as are necessary 44597
to ensure the return of the empty containers or the repayment upon 44598
that return of the minimum cash deposits paid; 44599

(K) Rules establishing the method by which alcohol products 44600
may be imported for sale by wholesale distributors and the method 44601
by which manufacturers and suppliers may sell alcohol products to 44602
wholesale distributors. 44603

Every rule, standard, requirement, or order of the commission 44604
and every repeal, amendment, or rescission of them shall be posted 44605
for public inspection in the principal office of the commission 44606
and the principal office of the division of liquor control, and a 44607
certified copy of them shall be filed in the office of the 44608
secretary of state. An order applying only to persons named in it 44609
shall be served on the persons affected by personal delivery of a 44610
certified copy, or by mailing a certified copy to each person 44611
affected by it or, in the case of a corporation, to any officer or 44612
agent of the corporation upon whom a service of summons may be 44613
served in a civil action. The posting and filing required by this 44614
section constitutes sufficient notice to all persons affected by 44615
such rule or order which is not required to be served. General 44616
rules of the commission promulgated pursuant to this section shall 44617
be published in the manner the commission determines. 44618

Sec. 4301.10. (A) The division of liquor control shall do all 44619
of the following: 44620

(1) Control the traffic in beer and intoxicating liquor in 44621
this state, including the manufacture, importation, and sale of 44622

beer and intoxicating liquor; 44623

(2) Grant or refuse permits for the manufacture, 44624
distribution, transportation, and sale of beer and intoxicating 44625
liquor and the sale of alcohol, as authorized or required by this 44626
chapter and Chapter 4303. of the Revised Code. A certificate, 44627
signed by the superintendent of liquor control and to which is 44628
affixed the official seal of the division, stating that it appears 44629
from the records of the division that no permit has been issued to 44630
the person specified in the certificate, or that a permit, if 44631
issued, has been revoked, canceled, or suspended, shall be 44632
received as prima-facie evidence of the facts recited in the 44633
certificate in any court or before any officer of this state. 44634

(3) Put into operation, manage, and control a system of state 44635
liquor stores for the sale of spirituous liquor at retail and to 44636
holders of permits authorizing the sale of spirituous liquor; 44637
however, the division shall not establish any drive-in state 44638
liquor stores; and by means of those types of stores, and any 44639
manufacturing plants, distributing and bottling plants, 44640
warehouses, and other facilities that it considers expedient, 44641
establish and maintain a state monopoly of the distribution of 44642
spirituous liquor and its sale in packages or containers; and for 44643
that purpose, manufacture, buy, import, possess, and sell 44644
spirituous liquors as provided in this chapter and Chapter 4303. 44645
of the Revised Code, and in the rules promulgated by the 44646
superintendent of liquor control pursuant to those chapters; lease 44647
or in any manner acquire the use of any land or building required 44648
for any of those purposes; purchase any equipment that is 44649
required; and borrow money to carry on its business, and issue, 44650
sign, endorse, and accept notes, checks, and bills of exchange; 44651
but all obligations of the division created under authority of 44652
this division shall be a charge only upon the moneys received by 44653
the division from the sale of spirituous liquor and its other 44654

business transactions in connection with the sale of spirituous 44655
liquor, and shall not be general obligations of the state; 44656

(4) Enforce the administrative provisions of this chapter and 44657
Chapter 4303. of the Revised Code, and the rules and orders of the 44658
liquor control commission and the superintendent relating to the 44659
manufacture, importation, transportation, distribution, and sale 44660
of beer or intoxicating liquor. The attorney general, any 44661
prosecuting attorney, and any prosecuting officer of a municipal 44662
corporation or a municipal court shall, at the request of the 44663
division of liquor control or the department of public safety, 44664
prosecute any person charged with the violation of any provision 44665
in those chapters or of any section of the Revised Code relating 44666
to the manufacture, importation, transportation, distribution, and 44667
sale of beer or intoxicating liquor. 44668

(5) Determine the locations of all state liquor stores and 44669
manufacturing, distributing, and bottling plants required in 44670
connection with those stores, subject to this chapter and Chapter 44671
4303. of the Revised Code; 44672

(6) Conduct inspections of liquor permit premises to 44673
determine compliance with the administrative provisions of this 44674
chapter and Chapter 4303. of the Revised Code and the rules 44675
adopted under those provisions by the liquor control commission. 44676

Except as otherwise provided in division (A)(6) of this 44677
section, those inspections may be conducted only during those 44678
hours in which the permit holder is open for business and only by 44679
authorized agents or employees of the division or by any peace 44680
officer, as defined in section 2935.01 of the Revised Code. 44681
Inspections may be conducted at other hours only to determine 44682
compliance with laws or commission rules that regulate the hours 44683
of sale of beer or intoxicating liquor and only if the 44684
investigator has reasonable cause to believe that those laws or 44685
rules are being violated. Any inspection conducted pursuant to 44686

division (A)(6) of this section is subject to all of the following requirements: 44687
44688

(a) The only property that may be confiscated is contraband, 44689
as defined in section 2901.01 of the Revised Code, or property 44690
that is otherwise necessary for evidentiary purposes. 44691

(b) A complete inventory of all property confiscated from the 44692
premises shall be given to the permit holder or the permit 44693
holder's agent or employee by the confiscating agent or officer at 44694
the conclusion of the inspection. At that time, the inventory 44695
shall be signed by the confiscating agent or officer, and the 44696
agent or officer shall give the permit holder or the permit 44697
holder's agent or employee the opportunity to sign the inventory. 44698

(c) Inspections conducted pursuant to division (A)(6) of this 44699
section shall be conducted in a reasonable manner. A finding by 44700
any court of competent jurisdiction that an inspection was not 44701
conducted in a reasonable manner in accordance with this section 44702
or any rules adopted by the commission may be considered grounds 44703
for suppression of evidence. A finding by the commission that an 44704
inspection was not conducted in a reasonable manner in accordance 44705
with this section or any rules adopted by it may be considered 44706
grounds for dismissal of the commission case. 44707

If any court of competent jurisdiction finds that property 44708
confiscated as the result of an administrative inspection is not 44709
necessary for evidentiary purposes and is not contraband, as 44710
defined in section 2901.01 of the Revised Code, the court shall 44711
order the immediate return of the confiscated property, provided 44712
that property is not otherwise subject to forfeiture, to the 44713
permit holder. However, the return of this property is not grounds 44714
for dismissal of the case. The commission likewise may order the 44715
return of confiscated property if no criminal prosecution is 44716
pending or anticipated. 44717

(7) Delegate to any of its agents or employees any power of investigation that the division possesses with respect to the enforcement of any of the administrative laws relating to beer or intoxicating liquor, provided that this division does not authorize the division to designate any agent or employee to serve as an enforcement agent. The employment and designation of enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 to 5502.19 of the Revised Code.

(8) Collect the following fees:

(a) A biennial fifty-dollar registration fee for each agent, solicitor, trade marketing professional, or salesperson, registered pursuant to section 4303.25 of the Revised Code, of a beer or intoxicating liquor manufacturer, supplier, broker, trade marketing company, or wholesale distributor doing business in this state;

(b) A fifty-dollar product registration fee for each new beer or intoxicating liquor product sold in this state. The product registration fee also applies to products sold in this state by B-2a, S-1, and S-2 permit holders. The product registration fee shall be accompanied by a copy of the federal label and product approval for the new product.

(c) An annual three-hundred-dollar supplier registration fee from each manufacturer or supplier that produces and ships into this state, or ships into this state, intoxicating liquor or beer, in addition to an initial application fee of one hundred dollars. A manufacturer that produces and ships beer or wine into this state and that holds only an S-1 or S-2 permit, as applicable, is exempt from the supplier registration fee. A manufacturer that produces and ships beer or wine into this state and that holds a B-2a permit shall pay an annual seventy-six-dollar supplier registration fee. A manufacturer that produces and ships wine into

this state and that does not hold either an § S-1 or a B-2a 44750
permit, but that produces less than two hundred fifty thousand 44751
gallons of wine per year ~~and that is entitled to a tax credit~~ 44752
~~under 27 C.F.R. 24.278~~ shall pay an annual seventy-six-dollar 44753
supplier registration fee. A manufacturer that produces and ships 44754
beer into this state and that does not hold an S-1 permit shall 44755
pay an annual seventy-six-dollar supplier registration fee. A 44756
B-2a, S-1, or § S-2 permit holder that does not sell its wine to 44757
wholesale distributors of wine in this state and an § S-1 permit 44758
holder that does not sell its beer to wholesale distributors of 44759
beer in this state shall not be required to submit to the division 44760
territory designation forms. 44761

Each supplier, agent, solicitor, trade marketing 44762
professional, or salesperson registration issued under this 44763
division shall authorize the person named to carry on the activity 44764
specified in the registration. Each agent, solicitor, trade 44765
marketing professional, or salesperson registration is valid for 44766
two years or for the unexpired portion of a two-year registration 44767
period. Each supplier registration is valid for one year or for 44768
the unexpired portion of a one-year registration period. 44769
Registrations shall end on their respective uniform expiration 44770
date, which shall be designated by the division, and are subject 44771
to suspension, revocation, cancellation, or fine as authorized by 44772
this chapter and Chapter 4303. of the Revised Code. 44773

As used in this division, "trade marketing company" and 44774
"trade marketing professional" have the same meanings as in 44775
section 4301.171 of the Revised Code. 44776

(9) Establish a system of electronic data interchange within 44777
the division and regulate the electronic transfer of information 44778
and funds among persons and governmental entities engaged in the 44779
manufacture, distribution, and retail sale of alcoholic beverages; 44780

(10) Notify all holders of retail permits of the forms of 44781

permissible identification for purposes of division (A) of section 44782
4301.639 of the Revised Code; 44783

(11) Exercise all other powers expressly or by necessary 44784
implication conferred upon the division by this chapter and 44785
Chapter 4303. of the Revised Code, and all powers necessary for 44786
the exercise or discharge of any power, duty, or function 44787
expressly conferred or imposed upon the division by those 44788
chapters. 44789

(B) The division may do all of the following: 44790

(1) Sue, but may be sued only in connection with the 44791
execution of leases of real estate and the purchases and contracts 44792
necessary for the operation of the state liquor stores that are 44793
made under this chapter and Chapter 4303. of the Revised Code; 44794

(2) Enter into leases and contracts of all descriptions and 44795
acquire and transfer title to personal property with regard to the 44796
sale, distribution, and storage of spirituous liquor within the 44797
state; 44798

(3) Terminate at will any lease entered into pursuant to 44799
division (B)(2) of this section upon first giving ninety days' 44800
notice in writing to the lessor of its intention to do so; 44801

(4) Fix the wholesale and retail prices at which the various 44802
classes, varieties, and brands of spirituous liquor shall be sold 44803
by the division. Those retail prices shall be the same at all 44804
state liquor stores, except to the extent that a price 44805
differential is required to collect a county sales tax levied 44806
pursuant to section 5739.021 of the Revised Code and for which tax 44807
the tax commissioner has authorized prepayment pursuant to section 44808
5739.05 of the Revised Code. In fixing selling prices, the 44809
division shall compute an anticipated gross profit at least 44810
sufficient to provide in each calendar year all costs and expenses 44811
of the division and also an adequate working capital reserve for 44812

the division. The gross profit shall not exceed forty per cent of 44813
the retail selling price based on costs of the division, and in 44814
addition the sum required by section 4301.12 of the Revised Code 44815
to be paid into the state treasury. An amount equal to one and 44816
one-half per cent of that gross profit shall be paid into the 44817
statewide treatment and prevention fund created by section 4301.30 44818
of the Revised Code and be appropriated by the general assembly 44819
from the fund to the department of mental health and addiction 44820
services as provided in section 4301.30 of the Revised Code. 44821

On spirituous liquor manufactured in this state from the 44822
juice of grapes or fruits grown in this state, the division shall 44823
compute an anticipated gross profit of not to exceed ten per cent. 44824

The wholesale prices fixed under this division shall be at a 44825
discount of not less than six per cent of the retail selling 44826
prices as determined by the division in accordance with this 44827
section. 44828

(C) The division may approve the expansion or diminution of a 44829
premises to which a liquor permit has been issued and may adopt 44830
standards governing such an expansion or diminution. 44831

Sec. 4301.12. The division of liquor control shall provide 44832
for the custody, safekeeping, and deposit of all moneys, checks, 44833
and drafts received by it or any of its employees or agents prior 44834
to paying them to the treasurer of state as provided by section 44835
113.08 of the Revised Code. 44836

A sum equal to three dollars and thirty-eight cents for each 44837
gallon of spirituous liquor sold by the division, JobsOhio, or a 44838
designee of JobsOhio during the period covered by the payment 44839
shall be paid into the state treasury to the credit of the general 44840
revenue fund. All moneys received from permit fees, except B-2a, 44841
S-1, and S-2 permit fees from B-2a, S-1, and S-2 permit 44842
holders who do not also hold A-2 or A-2f permits, shall be paid to 44843

the credit of the undivided liquor permit fund established by 44844
section 4301.30 of the Revised Code. 44845

Except as otherwise provided by law, the division shall 44846
deposit all moneys collected under Chapters 4301. and 4303. of the 44847
Revised Code into the state treasury to the credit of the state 44848
liquor regulatory fund created in section 4301.30 of the Revised 44849
Code. In addition, revenue resulting from any contracts with the 44850
department of commerce pertaining to the responsibilities and 44851
operations described in this chapter may be credited to the fund. 44852

Whenever, in the judgment of the director of budget and 44853
management, the amount in the liquor control fund is in excess of 44854
that needed to meet the maturing obligations of the division, as 44855
working capital for its further operations, to pay the operating 44856
expenses of the commission, and for the alcohol testing program 44857
under section 3701.143 of the Revised Code, the director shall 44858
transfer the excess to the credit of the general revenue fund. If 44859
the director determines that the amount in the liquor control fund 44860
is insufficient, the director may transfer money from the general 44861
revenue fund to the liquor control fund. 44862

Sec. 4301.30. (A) All fees collected by the division of 44863
liquor control shall be deposited in the state treasury to the 44864
credit of the undivided liquor permit fund, which is hereby 44865
created, at the time prescribed under section 4301.12 of the 44866
Revised Code. Each payment shall be accompanied by a statement 44867
showing separately the amount collected for each class of permits 44868
in each municipal corporation and in each township outside the 44869
limits of any municipal corporation in such township. 44870

(B)(1) An amount equal to forty-five per cent of the fund 44871
shall be paid from the fund into the state liquor regulatory fund, 44872
which is hereby created in the state treasury. The state liquor 44873
regulatory fund shall be used to pay the operating expenses of the 44874

division of liquor control in administering and enforcing Title 44875
XLIII of the Revised Code and the operating expenses of the liquor 44876
control commission. Investment earnings of the fund shall be 44877
credited to the fund. 44878

(2) Whenever, in the judgment of the director of budget and 44879
management, the amount of money that is in the state liquor 44880
regulatory fund is in excess of the amount that is needed to pay 44881
the operating expenses of the division in administering and 44882
enforcing Title XLIII of the Revised Code and the operating 44883
expenses of the commission, the director shall credit the excess 44884
amount to the general revenue fund. 44885

(C) Twenty per cent of the undivided liquor permit fund shall 44886
be paid into the statewide treatment and prevention fund, which is 44887
hereby created in the state treasury. This amount shall be 44888
appropriated by the general assembly, together with an amount 44889
equal to one and one-half per cent of the gross profit of the 44890
division of liquor control derived under division (B)(4) of 44891
section 4301.10 of the Revised Code, to the department of mental 44892
health and addiction services. In planning for the allocation of 44893
and in allocating these amounts for the purposes of Chapter 5119. 44894
of the Revised Code, the department shall comply with the 44895
nondiscrimination provisions of Title VI of the Civil Rights Act 44896
of 1964, and any rules adopted under that act. 44897

(D) Thirty-five per cent of the undivided liquor permit fund 44898
shall be distributed by the superintendent of liquor control at 44899
quarterly calendar periods as follows: 44900

(1) To each municipal corporation, the aggregate amount shown 44901
by the statements to have been collected from permits in the 44902
municipal corporation, for the use of the general fund of the 44903
municipal corporation; 44904

(2) To each township, the aggregate amount shown by the 44905

statements to have been collected from permits in its territory, 44906
outside the limits of any municipal corporation located in the 44907
township, for the use of the general fund of the township, or for 44908
fire protection purposes, including buildings and equipment in the 44909
township or in an established fire district within the township, 44910
to the extent that the funds are derived from liquor permits 44911
within the territory comprising such fire district. 44912

(E) For the purpose of the distribution required by this 44913
section, E, H, and D permits covering boats or vessels are deemed 44914
to have been issued in the municipal corporation or township 44915
wherein the owner or operator of the vehicle, boat, vessel, or 44916
dining car equipment to which the permit relates has the owner's 44917
or operator's principal office or place of business within the 44918
state. 44919

(F) If the liquor control commission determines that the 44920
police or other officers of any municipal corporation or township 44921
entitled to share in distributions under this section are refusing 44922
or culpably neglecting to enforce this chapter and Chapter 4303. 44923
of the Revised Code, or the penal laws of this state relating to 44924
the manufacture, importation, transportation, distribution, and 44925
sale of beer and intoxicating liquors, or if the prosecuting 44926
officer of a municipal corporation or a municipal court fails to 44927
comply with the request of the commission authorized by division 44928
(A)(4) of section 4301.10 of the Revised Code, the commission, by 44929
certified mail, may notify the chief executive officer of the 44930
municipal corporation or the board of township trustees of the 44931
township of the failure and require the immediate cooperation of 44932
the responsible officers of the municipal corporation or township 44933
with the division of liquor control in the enforcement of those 44934
chapters and penal laws. Within thirty days after the notice is 44935
served, the commission shall determine whether the requirement has 44936
been complied with. If the commission determines that the 44937

requirement has not been complied with, it may issue an order to 44938
the superintendent to withhold the distributive share of the 44939
municipal corporation or township until further order of the 44940
commission. This action of the commission is reviewable within 44941
thirty days thereafter in the court of common pleas of Franklin 44942
county. 44943

(G) All fees collected by the division of liquor control from 44944
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid 44945
by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or 44946
A-1c permits or A-2 or A-2f permits, shall be deposited in the 44947
state treasury to the credit of the state liquor regulatory fund. 44948
Once during each fiscal year, an amount equal to fifty per cent of 44949
the fees collected shall be paid from the state liquor regulatory 44950
fund into the general revenue fund. 44951

Sec. 4301.42. For the purpose of providing revenue for the 44952
support of the state, a tax is hereby levied on the sale of beer 44953
in sealed bottles and cans having twelve ounces or less of liquid 44954
content, at the rate of fourteen one-hundredths of one cent on 44955
each ounce of liquid content or fractional part of each ounce of 44956
liquid content, and on such containers in excess of twelve ounces, 44957
at the rate of eighty-four one-hundredths of one cent on each six 44958
ounces of liquid content or fractional part of each six ounces of 44959
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 44960
apply in the administration of that tax. Manufacturers, bottlers, 44961
and canners of beer, wholesale dealers in beer, and S-1 permit 44962
holders have the duty to pay the tax imposed by this section and 44963
are entitled to the privileges in the manner provided in section 44964
4303.33 of the Revised Code. 44965

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 44966
the Revised Code: 44967

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces. 44968
44969

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale. 44970
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(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid. 44973
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(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the 44991
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ownership of the mixed beverage is transferred for valuable 45000
consideration to a wholesaler or retailer, and no payment of the 45001
tax shall be required prior to that time. 45002

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 45003
~~from~~ From the tax paid under this section on wine, vermouth, and 45004
sparkling and carbonated wine and champagne, the treasurer of 45005
state shall credit to the Ohio grape industries fund created under 45006
section 924.54 of the Revised Code a sum equal to two cents per 45007
gallon upon which the tax is paid. The amount credited under this 45008
division is in addition to the amount credited to the Ohio grape 45009
industries fund under division (B) of this section. 45010

(E) For the purpose of providing revenues for the support of 45011
the state, there is hereby levied a tax on cider at the rate of 45012
twenty-four cents per wine gallon to be paid by the holders of 45013
A-2, A-2f, and B-5 permits or by any other person selling or 45014
distributing cider upon which no tax has been paid. Only one sale 45015
of the same article shall be used in computing the amount of the 45016
tax due. 45017

Sec. 4301.62. (A) As used in this section: 45018

(1) "Chauffeured limousine" means a vehicle registered under 45019
section 4503.24 of the Revised Code. 45020

(2) "Street," "highway," and "motor vehicle" have the same 45021
meanings as in section 4511.01 of the Revised Code. 45022

(B) No person shall have in the person's possession an opened 45023
container of beer or intoxicating liquor in any of the following 45024
circumstances: 45025

(1) Except as provided in division (C)(1)(e) of this section, 45026
in an agency store; 45027

(2) Except as provided in division (C) of this section, on 45028
the premises of the holder of any permit issued by the division of 45029

liquor control;	45030
(3) In any other public place;	45031
(4) Except as provided in division (D) or (E) of this	45032
section, while operating or being a passenger in or on a motor	45033
vehicle on any street, highway, or other public or private	45034
property open to the public for purposes of vehicular travel or	45035
parking;	45036
(5) Except as provided in division (D) or (E) of this	45037
section, while being in or on a stationary motor vehicle on any	45038
street, highway, or other public or private property open to the	45039
public for purposes of vehicular travel or parking.	45040
(C)(1) A person may have in the person's possession an opened	45041
container of any of the following:	45042
(a) Beer or intoxicating liquor that has been lawfully	45043
purchased for consumption on the premises where bought from the	45044
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4,	45045
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i,	45046
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7,	45047
or F-8 permit;	45048
(b) Beer, wine, or mixed beverages served for consumption on	45049
the premises by the holder of an F-3 permit, wine served as a	45050
tasting sample by an A-2, <u>S-1, or S-2</u> permit holder or S permit	45051
holder for consumption on the premises of a farmers market for	45052
which an F-10 permit has been issued, or wine served for	45053
consumption on the premises by the holder of an F-4 or F-6 permit;	45054
(c) Beer or intoxicating liquor consumed on the premises of a	45055
convention facility as provided in section 4303.201 of the Revised	45056
Code;	45057
(d) Beer or intoxicating liquor to be consumed during	45058
tastings and samplings approved by rule of the liquor control	45059

commission; 45060

(e) Spirituous liquor to be consumed for purposes of a 45061
tasting sample, as defined in section 4301.171 of the Revised 45062
Code. 45063

(2) A person may have in the person's possession on an F 45064
liquor permit premises an opened container of beer or intoxicating 45065
liquor that was not purchased from the holder of the F permit if 45066
the premises for which the F permit is issued is a music festival 45067
and the holder of the F permit grants permission for that 45068
possession on the premises during the period for which the F 45069
permit is issued. As used in this division, "music festival" means 45070
a series of outdoor live musical performances, extending for a 45071
period of at least three consecutive days and located on an area 45072
of land of at least forty acres. 45073

(3)(a) A person may have in the person's possession on a D-2 45074
liquor permit premises an opened or unopened container of wine 45075
that was not purchased from the holder of the D-2 permit if the 45076
premises for which the D-2 permit is issued is an outdoor 45077
performing arts center, the person is attending an orchestral 45078
performance, and the holder of the D-2 permit grants permission 45079
for the possession and consumption of wine in certain 45080
predesignated areas of the premises during the period for which 45081
the D-2 permit is issued. 45082

(b) As used in division (C)(3)(a) of this section: 45083

(i) "Orchestral performance" means a concert comprised of a 45084
group of not fewer than forty musicians playing various musical 45085
instruments. 45086

(ii) "Outdoor performing arts center" means an outdoor 45087
performing arts center that is located on not less than one 45088
hundred fifty acres of land and that is open for performances from 45089
the first day of April to the last day of October of each year. 45090

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location. 45091
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(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following: 45099
45100
45101
45102

(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued; 45103
45104
45105
45106

(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises. 45107
45108
45109
45110

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section. 45111
45112
45113

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply: 45114
45115
45116
45117

(i) The person is attending a racing event at the facility; 45118
and 45119

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the 45120
45121

property of the facility.	45122
(b) As used in division (C)(6)(a) of this section:	45123
(i) "Racing event" means a motor vehicle racing event	45124
sanctioned by one or more motor racing sanctioning organizations.	45125
(ii) "Outdoor motorsports facility" means an outdoor	45126
racetrack to which all of the following apply:	45127
(I) It is two and four-tenths miles or more in length.	45128
(II) It is located on two hundred acres or more of land.	45129
(III) The primary business of the owner of the facility is	45130
the hosting and promoting of racing events.	45131
(IV) The holder of a D-1, D-2, or D-3 permit is located on	45132
the property of the facility.	45133
(7)(a) A person may have in the person's possession an opened	45134
container of beer or intoxicating liquor at an outdoor location	45135
within an outdoor refreshment area created under section 4301.82	45136
of the Revised Code if the opened container of beer or	45137
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2,	45138
A-2f, D class, or F class permit holder to which both of the	45139
following apply:	45140
(i) The permit holder's premises is located within the	45141
outdoor refreshment area.	45142
(ii) The permit held by the permit holder has an outdoor	45143
refreshment area designation.	45144
(b) Division (C)(7) of this section does not authorize a	45145
person to do either of the following:	45146
(i) Enter the premises of an establishment within an outdoor	45147
refreshment area while possessing an opened container of beer or	45148
intoxicating liquor acquired elsewhere;	45149
(ii) Possess an opened container of beer or intoxicating	45150

liquor while being in or on a motor vehicle within an outdoor 45151
refreshment area, unless the possession is otherwise authorized 45152
under division (D) or (E) of this section. 45153

(c) As used in division (C)(7) of this section, "D class 45154
permit holder" does not include a D-6 or D-8 permit holder. 45155

(8)(a) A person may have in the person's possession on the 45156
property of a market, within a defined F-8 permit premises, an 45157
opened container of beer or intoxicating liquor that was purchased 45158
from a D permit premises that is located immediately adjacent to 45159
the market if both of the following apply: 45160

(i) The market grants permission for the possession and 45161
consumption of beer and intoxicating liquor within the defined F-8 45162
permit premises; 45163

(ii) The market is hosting an event pursuant to an F-8 permit 45164
and the market has notified the division of liquor control about 45165
the event in accordance with division (A)(3) of section 4303.208 45166
of the Revised Code. 45167

(b) As used in division (C)(8) of this section, "market" 45168
means a market, for which an F-8 permit is held, that has been in 45169
operation since 1860. 45170

(D) This section does not apply to a person who pays all or a 45171
portion of the fee imposed for the use of a chauffeured limousine 45172
pursuant to a prearranged contract, or the guest of the person, 45173
when all of the following apply: 45174

(1) The person or guest is a passenger in the limousine. 45175

(2) The person or guest is located in the limousine, but is 45176
not occupying a seat in the front compartment of the limousine 45177
where the operator of the limousine is located. 45178

(3) The limousine is located on any street, highway, or other 45179
public or private property open to the public for purposes of 45180

vehicular travel or parking. 45181

(E) An opened bottle of wine that was purchased from the 45182
holder of a permit that authorizes the sale of wine for 45183
consumption on the premises where sold is not an opened container 45184
for the purposes of this section if both of the following apply: 45185

(1) The opened bottle of wine is securely resealed by the 45186
permit holder or an employee of the permit holder before the 45187
bottle is removed from the premises. The bottle shall be secured 45188
in such a manner that it is visibly apparent if the bottle has 45189
been subsequently opened or tampered with. 45190

(2) The opened bottle of wine that is resealed in accordance 45191
with division (E)(1) of this section is stored in the trunk of a 45192
motor vehicle or, if the motor vehicle does not have a trunk, 45193
behind the last upright seat or in an area not normally occupied 45194
by the driver or passengers and not easily accessible by the 45195
driver. 45196

(F)(1) Except if an ordinance or resolution is enacted or 45197
adopted under division (F)(2) of this section, this section does 45198
not apply to a person who, pursuant to a prearranged contract, is 45199
a passenger riding on a commercial quadricycle when all of the 45200
following apply: 45201

(a) The person is not occupying a seat in the front of the 45202
commercial quadricycle where the operator is steering or braking. 45203

(b) The commercial quadricycle is being operated on a street, 45204
highway, or other public or private property open to the public 45205
for purposes of vehicular travel or parking. 45206

(c) The person has in their possession on the commercial 45207
quadricycle an opened container of beer or wine. 45208

(d) The person has in their possession on the commercial 45209
quadricycle not more than either thirty-six ounces of beer or 45210

eighteen ounces of wine. 45211

(2) The legislative authority of a municipal corporation or 45212
township may enact an ordinance or adopt a resolution, as 45213
applicable, that prohibits a passenger riding on a commercial 45214
quadricycle from possessing an opened container of beer or wine. 45215

(3) As used in this section, "commercial quadricycle" means a 45216
vehicle that has fully-operative pedals for propulsion entirely by 45217
human power and that meets all of the following requirements: 45218

(a) It has four wheels and is operated in a manner similar to 45219
a bicycle. 45220

(b) It has at least five seats for passengers. 45221

(c) It is designed to be powered by the pedaling of the 45222
operator and the passengers. 45223

(d) It is used for commercial purposes. 45224

(e) It is operated by the vehicle owner or an employee of the 45225
owner. 45226

(G) This section does not apply to a person that has in the 45227
person's possession an opened container of beer or intoxicating 45228
liquor on the premises of a market if the beer or intoxicating 45229
liquor has been purchased from a D liquor permit holder that is 45230
located in the market. 45231

As used in division (G) of this section, "market" means an 45232
establishment that: 45233

(1) Leases space in the market to individual vendors, not 45234
less than fifty per cent of which are retail food establishments 45235
or food service operations licensed under Chapter 3717. of the 45236
Revised Code; 45237

(2) Has an indoor sales floor area of not less than 45238
twenty-two thousand square feet; 45239

(3) Hosts a farmer's market on each Saturday from April 45240
through December. 45241

(H)(1) As used in this section, "alcoholic beverage" has the 45242
same meaning as in section 4303.185 of the Revised Code. 45243

(2) An alcoholic beverage in a closed container being 45244
transported under section 4303.185 of the Revised Code to its 45245
final destination is not an opened container for the purposes of 45246
this section if the closed container is securely sealed in such a 45247
manner that it is visibly apparent if the closed container has 45248
been subsequently opened or tampered with after sealing. 45249

(I) This section does not apply to a person who has in the 45250
person's possession an opened container of beer or intoxicating 45251
liquor in a public-use airport, as described in division 45252
(D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both 45253
of the following apply: 45254

(1) Consumption of the opened container of beer or 45255
intoxicating liquor occurs in the area of the airport terminal 45256
that is restricted to persons taking flights to and from the 45257
airport; and 45258

(2) The consumption is authorized under division (D)(2)(a) of 45259
section 4303.181 of the Revised Code. 45260

Sec. 4303.03. (A) Subject to division (B) of this section, 45261
permit A-2 may be issued to a manufacturer to manufacture wine 45262
from grapes, fruits, or other agricultural products; to import and 45263
purchase wine in bond for blending purposes, the total amount of 45264
wine so imported during the year covered by the permit not to 45265
exceed forty per cent of all the wine manufactured and imported; 45266
to manufacture, purchase, and import brandy for fortifying 45267
purposes; and to sell those products either in glass or container 45268
for consumption on the premises where manufactured, in sealed 45269

containers for consumption off the premises where manufactured, 45270
and to wholesale permit holders under the rules adopted by the 45271
division of liquor control. 45272

(B)(1) The holder of an A-2 permit shall not sell directly to 45273
a retailer. In order to make sales to a retailer, the manufacturer 45274
shall obtain a B-2a permit or make the sale directly to a B-2 or 45275
B-5 permit holder for subsequent resale to a retailer. 45276

(2) The holder of an A-2 permit shall not sell directly to a 45277
consumer unless the product is sold on the premises in accordance 45278
with division (A) of this section. In order to make sales to a 45279
consumer off the premises where the wine is manufactured, the 45280
manufacturer shall obtain an § S-1 or S-2 permit. 45281

(3) Nothing in this chapter prohibits an A-2 permit holder 45282
from also holding a B-2a, S-1, or § S-2 permit. 45283

(C) The fee for this permit is seventy-six dollars for each 45284
plant to which this permit is issued. 45285

Sec. 4303.031. (A) Subject to divisions (B) and (C) of this 45286
section, permit A-2f may be issued to a manufacturer to do all of 45287
the following: 45288

(1) Manufacture wine from grapes, fruits, or other 45289
agricultural products; 45290

(2) Import and purchase wine in bond for blending purposes. 45291
The total amount of wine imported for blending purposes during any 45292
year covered by the permit shall not exceed forty per cent of all 45293
the wine manufactured and imported. 45294

(3) Manufacture, purchase, and import brandy for fortifying 45295
purposes; 45296

(4) Sell products produced under divisions (A)(1) to (3) of 45297
this section either in glass or container for consumption on the 45298

premises where manufactured, in sealed containers for consumption 45299
off the premises where manufactured, and to wholesale permit 45300
holders under the rules adopted by the division of liquor control. 45301

(B) The division may issue permit A-2f to a manufacturer only 45302
if both of the following apply: 45303

(1) The manufacturer grows grapes, fruits, or other 45304
agricultural products on property owned by the manufacturer that 45305
is classified as land devoted exclusively to agricultural use in 45306
accordance with section 5713.31 of the Revised Code. 45307

(2) The manufacturer processes the grapes, fruits, or other 45308
agricultural products specified in division (B)(1) of this section 45309
into wine and sells the wine as authorized in this section. 45310

(C)(1) The holder of an A-2f permit shall not sell directly 45311
to a retailer. In order to make sales to a retailer, the 45312
manufacturer shall obtain a B-2a permit or make the sale directly 45313
to a B-2 or B-5 permit holder for subsequent resale to a retailer. 45314

(2) The holder of an A-2f permit shall not sell directly to a 45315
consumer unless the product is sold on the premises in accordance 45316
with division (A) of this section. In order to make sales to a 45317
consumer off the premises where the wine is manufactured, the 45318
manufacturer shall obtain an ~~§~~ S-1 or S-2 permit. 45319

(3) Nothing in this chapter prohibits an A-2f permit holder 45320
from also holding a B-2a, S-1, or ~~§~~ S-2 permit. 45321

(D) The fee for this permit is seventy-six dollars for each 45322
plant to which this permit is issued. 45323

(E) The A-2f permit shall be known as the "Ohio Farm Winery 45324
Permit." 45325

Sec. 4303.071. (A)(1) ~~Permit~~ The division of liquor control 45326
may issue a B-2a ~~may be issued~~ permit to a person that ~~is the~~ 45327
~~brand owner or United States importer of wine, is the designated~~ 45328

~~agent of a brand owner or importer for all wine sold in this state~~ 45329
~~for that owner or importer, or manufactures wine if such~~ 45330
~~manufacturer is entitled to a tax credit under 27 C.F.R. 24.278~~ 45331
~~and produces less than two hundred fifty thousand gallons of wine~~ 45332
per year. If the person resides outside this state, the person 45333
shall comply with the requirements governing the issuance of 45334
licenses or permits that authorize the sale of intoxicating liquor 45335
by the appropriate authority of the state in which the person 45336
resides ~~or~~ and by the alcohol and tobacco tax and trade bureau in 45337
the United States department of the treasury. 45338

(2) The fee for the B-2a permit is twenty-five dollars. 45339

(3) The holder of a B-2a permit may sell wine to a retail 45340
permit holder, ~~but. However,~~ a B-2a permit holder that is a wine 45341
manufacturer may sell to a retail permit holder only wine that the 45342
B-2a permit holder has manufactured and for which a territory 45343
designation has not been filed in this state. 45344

(4) The holder of a B-2a permit shall renew the permit in 45345
accordance with section 4303.271 of the Revised Code, except that 45346
renewal shall not be subject to the notice and hearing 45347
requirements established in division (B) of that section. 45348

(B) The holder of a B-2a permit shall collect and pay the 45349
taxes relating to the delivery of wine to a retailer that are 45350
levied under sections 4301.421 and 4301.432 and Chapters 5739. and 45351
5741. of the Revised Code. 45352

(C) The holder of a B-2a permit shall comply with this 45353
chapter, Chapter 4301. of the Revised Code, and any rules adopted 45354
by the liquor control commission under section 4301.03 of the 45355
Revised Code. 45356

Sec. 4303.17. (A)(1) Permit D-4 may be issued to a club that 45357
has been in existence for three years or more prior to the 45358

issuance of the permit to sell beer and any intoxicating liquor to 45359
its members only, in glass or container, for consumption on the 45360
premises where sold. The fee for this permit is four hundred 45361
sixty-nine dollars. 45362

No D-4 permit shall be granted or retained until all elected 45363
officers of the organization controlling the club have filed with 45364
the division of liquor control a statement, ~~signed under oath,~~ 45365
certifying that the club is operated in the interest of the 45366
membership of a reputable organization, which is maintained by a 45367
dues paying membership, and setting forth the amount of initiation 45368
fee and yearly dues. 45369

The roster of membership of a D-4 permit holder shall be 45370
submitted ~~under oath on~~ at the request of the superintendent of 45371
liquor control. Any information acquired by the superintendent or 45372
the division with respect to that membership shall not be open to 45373
public inspection or examination and may be divulged by the 45374
superintendent and the division only in hearings before the liquor 45375
control commission or in a court action in which the division or 45376
the superintendent is named a party. 45377

(2) The requirement that a club shall have been in existence 45378
for three years in order to qualify for a D-4 permit does not 45379
apply to units of organizations chartered by congress or to a 45380
subsidiary unit of a national fraternal organization if the parent 45381
organization has been in existence for three years or more at the 45382
time application for a permit is made by that unit. 45383

(B) No rule or order of the division or commission shall 45384
prohibit a charitable organization that holds a D-4 permit from 45385
selling or serving beer or intoxicating liquor under its permit in 45386
a portion of its premises merely because that portion of its 45387
premises is used ~~at other times~~ for the conduct of a bingo game as 45388
described in division (O)(1) of section 2915.01 of the Revised 45389
Code. ~~However, such an organization shall not sell or serve beer~~ 45390

~~or intoxicating liquor or permit beer or intoxicating liquor to be~~ 45391
~~consumed or seen in the same location in its premises where a~~ 45392
~~bingo game as described in division (O)(1) of section 2915.01 of~~ 45393
~~the Revised Code is being conducted while the game is being~~ 45394
~~conducted.~~ As used in this division, "charitable organization" has 45395
the same meaning as in division (H) of section 2915.01 of the 45396
Revised Code. 45397

(C) Notwithstanding any contrary provision of sections 45398
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 45399
section 4305.14 of the Revised Code, the holder of a D-4 permit 45400
may transfer the location of the permit and sell beer and wine at 45401
the new location if that location is in an election precinct in 45402
which the sale of beer and wine, but not spirituous liquor, 45403
otherwise is permitted by law. 45404

Sec. 4303.2010. (A) As used in this section: 45405

(1) "Farmers market" means a farmers market registered with 45406
the director of agriculture under section 3717.221 of the Revised 45407
Code. "Farmers market" does not include a for-profit farmers 45408
market, a farmers market located at a rest area within the limits 45409
of the right-of-way of an interstate highway, a farmers market 45410
located at a service facility as defined in Chapter 5537. of the 45411
Revised Code that is along the Ohio turnpike, or a farmers market 45412
with fewer than five farmers market participants. 45413

(2) "A-2 permit holder" means an A-2 permit holder that 45414
produces less than two hundred and fifty thousand gallons of wine 45415
per year. 45416

(B) The division of liquor control may issue an F-10 permit 45417
to a person who organizes a farmers market. Pursuant to the 45418
permit, the F-10 permit holder may allow a farmers market 45419
participant that is an A-2, S-1, or S-2 permit holder ~~or S permit~~ 45420
~~holder~~ to do the following at the location of the farmers market: 45421

(1) Sell tasting samples of wine manufactured by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~ for consumption on the premises where the farmers market is located;

(2) Sell wine manufactured by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~ in sealed containers for consumption off the premises where the farmers market is located.

(C) An applicant for an F-10 permit shall submit an application for the permit to the division of liquor control. The application shall include the location of the farmers market that is the subject of the application.

(D) The premises of the farmers market for which the F-10 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-10 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-10 permit is in effect.

(E) No A-2, S-1, or S-2 permit holder ~~or S permit holder~~ shall do any of the following at a farmers market for which an F-10 permit has been issued:

(1) Sell a tasting sample in an amount that exceeds one ounce;

(2) Sell more than one sample of each wine offered for sale to any one person;

(3) Sell more than five varieties of wine as tasting samples per day;

(4) Sell a variety of wine that is offered for distribution by a wholesale distributor in any state. Division (E)(4) of this section does not apply to a variety of wine solely distributed by

the A-2, S-1, or S-2 permit holder ~~or S permit holder~~. 45452

(5) Sell more than four and one-half liters of wine per 45453
household for off-premises consumption under division (B)(2) of 45454
this section; 45455

(6) Allow any person other than the A-2, S-1, or S-2 permit 45456
holder ~~or S permit holder~~, a member of the applicable permit 45457
holder's family, or an employee of the applicable permit holder to 45458
sell wine. 45459

(F) The F-10 permit is effective for nine months. The permit 45460
is not renewable. However, a person who organizes a farmers market 45461
may re-apply for a new permit. The fee for the F-10 permit is one 45462
hundred dollars. 45463

(G) An A-2, S-1, or S-2 permit holder ~~or S permit holder~~ 45464
shall not conduct the activities described in division (B) of this 45465
section unless the sale of wine for consumption on the premises 45466
and the sale of wine for consumption off the premises is 45467
authorized in the election precinct in which the farmers market 45468
that is the subject of the F-10 permit is located. 45469

(H) No F-10 permit holder shall allow more than four A-2 45470
permit holders, four ~~S~~ S-1 permit holders, four S-2 permit 45471
holders, or a combination of four A-2, S-1, and S-2 permit holders 45472
~~and S permit holders~~ per day to conduct the activities described 45473
in division (B) of this section on the premises of the applicable 45474
farmers market. 45475

Sec. 4303.232. (A)(1) ~~Permit S may be issued~~ The division of 45476
liquor control may issue an S-1 permit to a person that ~~is the~~ 45477
~~brand owner or United States importer of beer or wine, is the~~ 45478
~~designated agent of a brand owner or importer for all beer or wine~~ 45479
~~sold in this state for that owner or importer, or manufactures~~ 45480
~~wine if the manufacturer is entitled to a tax credit under 27~~ 45481

~~C.F.R. 24.278~~ and produces beer or less than two hundred fifty 45482
thousand gallons of wine per year. If the person resides outside 45483
this state, the person shall comply with the requirements 45484
governing the issuance of licenses or permits that authorize the 45485
sale of beer or intoxicating liquor by the appropriate authority 45486
of the state in which the person resides ~~or~~ and by the alcohol and 45487
tobacco tax and trade bureau of the United States department of 45488
the treasury. 45489

(2) The fee for the ~~S~~ S-1 permit is twenty-five dollars. 45490

(3) ~~The holder of an S~~ An S-1 permit holder may sell beer or 45491
wine to a personal consumer by receiving and filling orders that 45492
the personal consumer submits to the permit holder. The permit 45493
holder shall sell only beer or wine that the permit holder has 45494
manufactured to a personal consumer. 45495

(4) ~~The holder of an S~~ An S-1 permit holder shall renew the 45496
permit in accordance with section 4303.271 of the Revised Code, 45497
except that the renewal shall not be subject to the notice and 45498
hearing requirements established in division (B) of that section. 45499

(5) The division ~~of liquor control~~ may refuse to renew an ~~S~~ 45500
S-1 permit for any of the reasons specified in section 4303.292 of 45501
the Revised Code or if the holder of the permit fails to do any of 45502
the following: 45503

(a) Collect and pay all applicable taxes specified in 45504
division (B) of this section; 45505

(b) Pay the permit fee; 45506

(c) Comply with this section or any rules adopted by the 45507
liquor control commission under section 4301.03 of the Revised 45508
Code. 45509

(B)(1) ~~The holder of an S~~ An S-1 permit holder who sells wine 45510
shall collect and pay the taxes relating to the delivery of wine 45511

to a personal consumer that are levied under sections 4301.421, 45512
4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised 45513
Code. 45514

(2) ~~The holder of an S~~ An S-1 permit holder who sells beer 45515
shall collect and pay the taxes relating to the delivery of beer 45516
to a personal consumer that are levied under sections 4301.42 and 45517
4301.421 and Chapters 4305., 4307., 5739., and 5741. of the 45518
Revised Code. 45519

(C)(1) ~~The holder of an S~~ An S-1 permit holder shall send a 45520
shipment of beer or wine that has been paid for by a personal 45521
consumer to that personal consumer via ~~the holder of an H permit~~ 45522
holder. Prior to sending a shipment of beer or wine to a personal 45523
consumer, ~~the holder of an S~~ S-1 permit holder, or an employee of 45524
the permit holder, shall make a bona fide effort to ensure that 45525
the personal consumer is at least twenty-one years of age. The 45526
shipment of beer or wine shall be shipped in a package that 45527
clearly ~~has written on it in bold print the words "alcohol~~ 45528
~~enclosed."~~ states that it contains alcohol. No person shall fail 45529
to comply with division (C)(1) of this section. 45530

(2) Upon delivering a shipment of beer or wine to a personal 45531
consumer, ~~the holder of the an~~ H permit holder, or an employee of 45532
the permit holder, shall verify that the personal consumer is at 45533
least twenty-one years of age by checking the personal consumer's 45534
driver's or commercial driver's license or identification card 45535
issued under sections 4507.50 to 4507.52 of the Revised Code. 45536

(3) ~~The holder of an S~~ An S-1 permit holder shall keep a 45537
record of each shipment of beer or wine that the permit holder 45538
sends to a personal consumer. The records shall be used for all of 45539
the following: 45540

(a) To provide a copy of each beer or wine shipment invoice 45541
to the tax commissioner in a manner prescribed by the 45542

commissioner. The invoice shall include the name of each personal 45543
consumer that purchased beer or wine from the § S-1 permit holder 45544
in accordance with this section and any other information required 45545
by the tax commissioner. 45546

(b) To provide annually in electronic format by electronic 45547
means a report to the division. The report shall include the name 45548
and address of each personal consumer that purchased beer or wine 45549
from the § S-1 permit holder in accordance with this section, the 45550
quantity of beer or wine purchased by each personal consumer, and 45551
any other information requested by the division. The division 45552
shall prescribe and provide an electronic form for the report and 45553
shall determine the specific electronic means that the § S-1 45554
permit holder must use to submit the report. 45555

(c) To notify a personal consumer of any health or welfare 45556
recalls of the ~~beer or~~ wine that has been purchased by the 45557
personal consumer. 45558

(D) As used in this section, "personal consumer" means an 45559
individual who is at least twenty-one years of age, is a resident 45560
of this state, does not hold a permit issued under this chapter, 45561
and intends to use beer or wine purchased in accordance with this 45562
section for personal consumption only and not for resale or other 45563
commercial purposes. 45564

(E) ~~The holder of an S~~ An S-1 permit holder shall comply with 45565
this chapter, Chapter 4301. of the Revised Code, and any rules 45566
adopted by the liquor control commission under section 4301.03 of 45567
the Revised Code. 45568

Sec. 4303.233. (A) As used in this section, "personal 45569
consumer" means an individual who is at least twenty-one years of 45570
age, is a resident of this state, does not hold a permit issued 45571
under this chapter, and intends to use wine purchased in 45572
accordance with this section for personal consumption only and not 45573

for resale or other commercial purposes. 45574

(B)(1) The division of liquor control may issue an S-2 permit 45575
to a person that manufactures two hundred fifty thousand gallons 45576
or more of wine per year. If the person resides outside this 45577
state, the person shall comply with the requirements governing the 45578
issuance of licenses or permits that authorize the sale of beer or 45579
intoxicating liquor by the appropriate authority of the state in 45580
which the person resides and by the alcohol and tobacco tax and 45581
trade bureau of the United States department of the treasury. 45582

(2) An S-2 permit holder may sell wine to a personal consumer 45583
by receiving and filling orders that the personal consumer submits 45584
to the permit holder. The permit holder shall sell only wine that 45585
the permit holder has manufactured to a personal consumer. An S-2 45586
permit holder may use a fulfillment warehouse registered under 45587
section 4303.234 of the Revised Code to send a shipment of wine to 45588
a personal consumer. A fulfillment warehouse is an agent of an S-2 45589
permit holder and an S-2 permit holder is liable for violations of 45590
this chapter and Chapter 4301. of the Revised Code that are 45591
committed by the fulfillment warehouse regarding wine shipped on 45592
behalf of the S-2 permit holder. 45593

(C) An S-2 permit holder shall collect and pay the taxes 45594
relating to the delivery of wine to a personal consumer that are 45595
levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 45596
5739. and 5741. of the Revised Code. 45597

(D)(1) An S-2 permit holder shall send a shipment of wine 45598
that has been paid for by a personal consumer to that personal 45599
consumer via an H permit holder. Prior to sending a shipment of 45600
wine to a personal consumer, the S-2 permit holder, or an employee 45601
of the permit holder, shall make a bona fide effort to ensure that 45602
the personal consumer is at least twenty-one years of age. The 45603
shipment of wine shall be shipped in a package that clearly states 45604
that it contains alcohol. No person shall fail to comply with 45605

division (D)(1) of this section. 45606

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code. 45607
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(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following: 45613
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(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner. 45616
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report. 45622
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(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal 45635
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consumer. 45637

(E) An S-2 permit holder shall comply with this chapter, 45638
Chapter 4301. of the Revised Code, and any rules adopted by the 45639
liquor control commission under section 4301.03 of the Revised 45640
Code. 45641

(F)(1) An S-2 permit holder shall renew the permit in 45642
accordance with section 4303.271 of the Revised Code, except that 45643
the renewal shall not be subject to the notice and hearing 45644
requirements established in division (B) of that section. 45645

(2) The division may refuse to renew an S-2 permit for any of 45646
the reasons specified in section 4303.292 of the Revised Code or 45647
if the permit holder fails to do any of the following: 45648

(a) Collect and pay all applicable taxes specified in 45649
division (C) of this section; 45650

(b) Pay the permit fee; 45651

(c) Comply with this section or any rules adopted by the 45652
liquor control commission under section 4301.03 of the Revised 45653
Code. 45654

(G) The initial fee for the S-2 permit is two hundred fifty 45655
dollars. The renewal fee for the S-2 permit is one hundred 45656
dollars. 45657

Sec. 4303.234. (A) As used in this section: 45658

(1) "Fulfillment warehouse" means a person that operates a 45659
warehouse that is located outside this state and has entered into 45660
a written agreement with an S-2 permit holder to fulfill orders of 45661
the S-2 permit holder's wine to personal consumers via delivery by 45662
an H permit holder. 45663

(2) "Personal consumer" has the same meaning as in section 45664
4303.233 of the Revised Code. 45665

(B) A fulfillment warehouse may send a shipment of wine sold by an S-2 permit holder to a personal consumer via an H permit holder. A fulfillment warehouse shall provide annually in electronic format by electronic means a report to the division not later than March first. The annual report shall include all of the following: 45666
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(1) The name and address of the fulfillment warehouse. The fulfillment warehouse shall include the address of each location owned or operated by the fulfillment warehouse that is used to ship wine to personal consumers in this state. 45672
45673
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(2) The name and address of each S-2 liquor permit holder with which the fulfillment warehouse has entered into an agreement; 45676
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45678

(3) The name and address of each personal consumer that the fulfillment warehouse sends wine to and the quantity of wine purchased by the personal consumer; 45679
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(4) The shipping tracking number provided by the H permit holder for each shipment of wine delivered to a personal consumer. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the fulfillment warehouse must use to submit the report. 45682
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(E) The division shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to administer and enforce this section. 45687
45688
45689

Sec. ~~4303.234~~ 4303.235. All B-2a, S-1, and S S-2 permit holders and fulfillment warehouses, as defined in section 4303.234 of the Revised Code, are subject to the following: 45690
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45692

(A) Audit by the division of liquor control or the department of taxation; 45693
45694

(B) Jurisdiction of the liquor control commission, the 45695

division of liquor control, the department of taxation, the 45696
department of public safety, and the courts of this state; and 45697

(C) The statutes and rules of this state. 45698

Sec. ~~4303.233~~ 4303.236. (A) No family household shall 45699
purchase more than twenty-four cases of twelve bottles of seven 45700
hundred fifty milliliters of wine in one year. 45701

(B)(1) Except as provided in section 4303.185 of the Revised 45702
Code, no person shall knowingly send a shipment of wine to a 45703
personal consumer, as defined in section 4303.233 of the Revised 45704
Code, without an S-1 or S-2 permit or registering as a fulfillment 45705
warehouse under section 4303.234 of the Revised Code. This 45706
division does not apply to an H permit holder. 45707

(2) Except as provided in section 4303.185 of the Revised 45708
Code, no person shall knowingly send a shipment of beer to a 45709
personal consumer, as defined in section 4303.232 of the Revised 45710
Code, without an S-1 permit. This division does not apply to an H 45711
permit holder. 45712

(C) A person that is not a beer or wine manufacturer, 45713
including the holder of any retail permit in this state or outside 45714
of this state, shall not obtain or attempt to obtain a B-2a, S-1, 45715
or S-2 permit. 45716

Sec. 4303.26. (A) Applications for regular permits authorized 45717
by sections 4303.02 to 4303.23 of the Revised Code may be filed 45718
with the division of liquor control. No permit shall be issued by 45719
the division until fifteen days after the application for it is 45720
filed. An applicant for the issuance of a new permit shall pay a 45721
processing fee of one hundred dollars when filing application for 45722
the permit, if the permit is then available, or shall pay the 45723
processing fee when a permit becomes available, if it is not 45724
available when the applicant initially files the application. When 45725

an application for a new class C or D permit is filed, when class 45726
C or D permits become available, or when an application for 45727
transfer of ownership of a class C or D permit or transfer of a 45728
location of a class C or D permit is filed, no permit shall be 45729
issued, nor shall the location or the ownership of a permit be 45730
transferred, by the division until the division notifies the 45731
legislative authority of the municipal corporation if the business 45732
or event is or is to be located within the corporate limits of a 45733
municipal corporation, or the clerk of the board of county 45734
commissioners and the fiscal officer of the board of township 45735
trustees in the county in which the business or event is or is to 45736
be conducted if the business is or is to be located outside the 45737
corporate limits of a municipal corporation, and an opportunity is 45738
provided officials or employees of the municipal corporation or 45739
county and township, who shall be designated by the legislative 45740
authority or the board of county commissioners or board of 45741
township trustees, for a complete hearing upon the advisability of 45742
the issuance, transfer of ownership, or transfer of location of 45743
the permit. In this hearing, no objection to the issuance, 45744
transfer of ownership, or transfer of location of the permit shall 45745
be based upon noncompliance of the proposed permit premises with 45746
local zoning regulations which prohibit the sale of beer or 45747
intoxicating liquor, in an area zoned for commercial or industrial 45748
uses, for a permit premises that would otherwise qualify for a 45749
proper permit issued by the division. 45750

When the division sends notice to the legislative or 45751
executive authority of the political subdivision, as required by 45752
this section, the division shall also so notify, by certified 45753
mail, return receipt requested, or by personal service, the chief 45754
peace officer of the political subdivision. Upon the request of 45755
the chief peace officer, the division shall send the chief peace 45756
officer a copy of the application for the issuance or the transfer 45757
of ownership or location of the permit and all other documents or 45758

materials filed by the applicant or applicants in relation to the 45759
application. The chief peace officer may appear and testify, 45760
either in person or through a representative, at any hearing held 45761
on the advisability of the issuance, transfer of ownership, or 45762
transfer of location of the permit. The hearing shall be held in 45763
the central office of the division, except that upon written 45764
request of the legislative authority of the municipal corporation 45765
or the board of county commissioners or board of township 45766
trustees, the hearing shall be held in the county seat of the 45767
county where the applicant's business is or is to be conducted. 45768

If the business or event specified in an application for the 45769
issuance, transfer of ownership, or transfer of location of any 45770
regular permit authorized by sections 4303.02 to 4303.23 of the 45771
Revised Code, except for an F-2 permit, is, or is to be operated, 45772
within five hundred feet from the boundaries of a parcel of real 45773
estate having situated on it a school, church, library, public 45774
playground, or township park, no permit shall be issued, nor shall 45775
the location or the ownership of a permit be transferred, by the 45776
division until written notice of the filing of the application 45777
with the division is served, by certified mail, return receipt 45778
requested, or by personal service, upon the authorities in control 45779
of the school, church, library, public playground, or township 45780
park and an opportunity is provided them for a complete hearing 45781
upon the advisability of the issuance, transfer of ownership, or 45782
transfer of location of the permit. In this hearing, no objection 45783
to the issuance, transfer of ownership, or transfer of location of 45784
the permit shall be based upon the noncompliance of the proposed 45785
permit premises with local zoning regulations which prohibit the 45786
sale of beer or intoxicating liquor, in an area zoned for 45787
commercial or industrial uses, for a permit premises that would 45788
otherwise qualify for a proper permit issued by the division. Upon 45789
the written request of any of these authorities, the hearing shall 45790
be held in the county seat of the county where the applicant's 45791

business is or is to be conducted. 45792

A request for any hearing authorized by this section shall be 45793
made no later than thirty days from the time of notification by 45794
the division. This thirty-day period begins on the date the 45795
division mails notice to the legislative authority or the date on 45796
which the division mails notice to or, by personal service, serves 45797
notice upon, the institution. The division shall conduct a hearing 45798
if the request for the hearing is postmarked by the deadline date. 45799
The division may allow, upon cause shown by the requesting 45800
legislative authority or board, an extension of thirty additional 45801
days for the legislative authority of the municipal corporation, 45802
board of township trustees of the township, or board of county 45803
commissioners of the county in which a permit premises is or is to 45804
be located to object to the issuance, transfer of ownership, or 45805
transfer of location of a permit. The request for the extension 45806
shall be made by the legislative authority or board to the 45807
division no later than thirty days after the time of notification 45808
by the division. 45809

(B) When an application for transfer of ownership of a permit 45810
is filed with the division, the division shall give notice of the 45811
application to the tax commissioner. Within twenty days after 45812
receiving this notification, the commissioner shall notify the 45813
division of liquor control and the proposed transferee of the 45814
permit if the permit holder owes to this state any delinquent 45815
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 45816
petroleum activity taxes, sales or use taxes, cigarette taxes, 45817
other tobacco product taxes, income taxes withheld from employee 45818
compensation, commercial activity taxes, ~~or~~ gross casino revenue 45819
taxes, or gross receipts taxes levied pursuant to section 5739.101 45820
of the Revised Code, or has failed to file any corresponding 45821
returns or submit any information required by the commissioner, as 45822
required for such taxes, to the extent that any delinquent payment 45823

or return, or any failure to submit information, is known to the 45824
department of taxation at the time of the application. The 45825
division shall not transfer ownership of the permit until payments 45826
known to be delinquent are resolved, returns known to be 45827
delinquent are filed, and any information required by the 45828
commissioner has been provided. As used in this division, 45829
"resolved" means that the delinquent payment has been paid in full 45830
or an amount sufficient to satisfy the delinquent payment is in 45831
escrow for the benefit of the state. The commissioner shall notify 45832
the division of the resolution. After the division has received 45833
the notification from the commissioner, the division may proceed 45834
to transfer ownership of the permit. Nothing in this division 45835
shall be construed to affect or limit the responsibilities or 45836
liabilities of the transferor or the transferee imposed by Chapter 45837
3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 45838
5747., 5751., or 5753. of the Revised Code. 45839

(C) No F or F-2 permit shall be issued for an event until the 45840
applicant has, by means of a form that the division shall provide 45841
to the applicant, notified the chief peace officer of the 45842
political subdivision in which the event will be conducted of the 45843
date, time, place, and duration of the event. 45844

(D) The division of liquor control shall notify an applicant 45845
for a permit authorized by sections 4303.02 to 4303.23 of the 45846
Revised Code of an action pending or judgment entered against a 45847
liquor permit premises, of which the division has knowledge, 45848
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 45849
applicant is applying for a permit at the location of the premises 45850
that is the subject of the action under section 3767.03 or 45851
judgment under section 3767.05 of the Revised Code. 45852

Sec. 4303.271. (A) Except as provided in divisions (B) and 45853
(D) of this section, the holder of a permit issued under sections 45854

4303.02 to 4303.232 of the Revised Code, who files an application 45855
for the renewal of the same class of permit for the same premises, 45856
shall be entitled to the renewal of the permit. The division of 45857
liquor control shall renew the permit unless the division rejects 45858
for good cause any renewal application, subject to the right of 45859
the applicant to appeal the rejection to the liquor control 45860
commission. 45861

(B) The legislative authority of the municipal corporation, 45862
the board of township trustees, or the board of county 45863
commissioners of the county in which a permit premises is located 45864
may object to the renewal of a permit issued under sections 45865
4303.11 to 4303.183 of the Revised Code for any of the reasons 45866
contained in division (A) of section 4303.292 of the Revised Code. 45867
Any objection shall be made no later than thirty days prior to the 45868
expiration of the permit, and the division shall accept the 45869
objection if it is postmarked no later than thirty days prior to 45870
the expiration of the permit. The objection shall be made by a 45871
resolution specifying the reasons for objecting to the renewal and 45872
requesting a hearing, but no objection shall be based upon 45873
noncompliance of the permit premises with local zoning regulations 45874
that prohibit the sale of beer or intoxicating liquor in an area 45875
zoned for commercial or industrial uses, for a permit premises 45876
that would otherwise qualify for a proper permit issued by the 45877
division. The resolution shall be accompanied by a statement by 45878
the chief legal officer of the political subdivision that, in the 45879
chief legal officer's opinion, the objection is based upon 45880
substantial legal grounds within the meaning and intent of 45881
division (A) of section 4303.292 of the Revised Code. 45882

Upon receipt of a resolution of a legislative authority or 45883
board objecting to the renewal of a permit and a statement from 45884
the chief legal officer, the division shall set a time for the 45885
hearing and send by certified mail to the permit holder, at the 45886

permit holder's usual place of business, a copy of the resolution 45887
and notice of the hearing. The division shall then hold a hearing 45888
in the central office of the division, except that, upon written 45889
request of the legislative authority or board, the hearing shall 45890
be held in the county seat of the county in which the permit 45891
premises is located, to determine whether the renewal shall be 45892
denied for any of the reasons contained in division (A) of section 45893
4303.292 of the Revised Code. Only the reasons for refusal 45894
contained in division (A) of section 4303.292 of the Revised Code 45895
and specified in the resolution of objection shall be considered 45896
at the hearing. 45897

The permit holder and the objecting legislative authority or 45898
board shall be parties to the proceedings under this section and 45899
shall have the right to be present, to be represented by counsel, 45900
to offer evidence, to require the attendance of witnesses, and to 45901
cross-examine witnesses at the hearing. 45902

(C) An application for renewal of a permit shall be filed 45903
with the division at least fifteen days prior to the expiration of 45904
an existing permit, and the existing permit shall continue in 45905
effect as provided in section 119.06 of the Revised Code until the 45906
application is approved or rejected by the division. Any holder of 45907
a permit, which has expired through failure to be renewed as 45908
provided in this section, shall obtain a renewal of the permit, 45909
upon filing an application for renewal with the division, at any 45910
time within thirty days from the date of the expired permit. A 45911
penalty of ten per cent of the permit fee shall be paid by the 45912
permit holder if the application for renewal is not filed at least 45913
fifteen days prior to the expiration of the permit. 45914

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the 45915
department of taxation's records for the horse-racing, alcoholic 45916
beverage, motor fuel, petroleum activity, sales or use, cigarette, 45917
other tobacco products, employer withholding, commercial activity, 45918

and gross casino revenue tax ~~records in the department of taxation~~ 45919
and gross receipts taxes levied pursuant to section 5739.101 of 45920
the Revised Code for each holder of a permit issued under sections 45921
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 45922
determine if the permit holder is delinquent in filing any 45923
returns, submitting any information required by the commissioner, 45924
or remitting any payments with respect to those taxes or any fees, 45925
charges, penalties, or interest related to those taxes. 45926
45927

If any delinquency or liability exists, the commissioner 45928
shall send a notice of that fact by certified mail, return receipt 45929
requested, to the permit holder at the mailing address shown in 45930
the records of the department. The notice shall specify, in as 45931
much detail as is possible, the periods for which returns have not 45932
been filed and the nature and amount of unpaid assessments and 45933
other liabilities and shall be sent on or before the first day of 45934
the third month preceding the month in which the permit expires. 45935
The commissioner also shall notify the division of liquor control 45936
of the delinquency or liability, identifying the permit holder by 45937
name and permit number. 45938

(2)(a) Except as provided in division (D)(4) of this section, 45939
the division of liquor control shall not renew the permit of any 45940
permit holder the tax commissioner has identified as being 45941
delinquent in filing any returns, providing any information, or 45942
remitting any payments with respect to the taxes listed in 45943
division (D)(1) of this section as of the first day of the sixth 45944
month preceding the month in which the permit expires, or of any 45945
permit holder the commissioner has identified as having been 45946
assessed by the department on or before the first day of the third 45947
month preceding the month in which the permit expires, until the 45948
division is notified by the commissioner that the delinquency, 45949
liability, or assessment has been resolved. 45950

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the commissioner or the attorney general demonstrate to the liquor control commission that the commissioner's notification of a delinquency or assessment was in error or that the issue of the delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division (D)(2)(b)(i) of this section may file a motion to withdraw the appeal. The division of liquor control may renew a permit holder's permit if the permit holder has withdrawn such an appeal and the division receives written certification from the tax commissioner that the permit holder's delinquency or assessment has been resolved.

(3) A permit holder notified of delinquency or liability under this section may protest the notification to the tax commissioner on the basis that no return or information is delinquent and no tax, fee, charge, penalty, or interest is outstanding. The commissioner shall expeditiously consider any evidence submitted by the permit holder and, if it is determined that the notification was in error, immediately shall inform the division of liquor control that the renewal application may be granted. The renewal shall not be denied if the delinquency or unreported liability is the subject of a bona fide dispute as to the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the

circumstances the permit holder's delinquency or liability has 45983
been conditionally resolved, the commissioner shall allow the 45984
permit to be renewed, conditioned upon the permit holder's 45985
continuing performance in satisfying the delinquency and 45986
liability. The conditional nature of the renewal shall be 45987
specified in the notification given to the division of liquor 45988
control under division (D)(1) of this section. Upon receipt of 45989
notice of the resolution, the division shall issue a conditional 45990
renewal. If the taxpayer defaults on any agreement to pay the 45991
delinquency or liability or fails to keep subsequent tax or fee 45992
payments current, the liquor control commission, upon request and 45993
proof of the default or failure to keep subsequent tax or fee 45994
payments current, shall indefinitely suspend the permit holder's 45995
permit until all taxes or fees and interest due are paid. 45996

(5) The commissioner may adopt rules to assist in 45997
administering the duties imposed by this section. 45998

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 45999
state, every bottler, importer, wholesale dealer, broker, 46000
producer, or manufacturer of beer outside this state and within 46001
the United States, and every B-1 permit holder and importer 46002
importing beer from any manufacturer, bottler, person, or group of 46003
persons however organized outside the United States for sale or 46004
distribution for sale in this state, on or before the eighteenth 46005
day of each month, shall make and file with the tax commissioner 46006
upon a form prescribed by the tax commissioner an advance tax 46007
payment in an amount estimated to equal the taxpayer's tax 46008
liability for the month in which the advance tax payment is made. 46009
If the advance tax payment credits claimed on the report are for 46010
advance tax payments received by the tax commissioner on or before 46011
the eighteenth day of the month covered by the report, the 46012
taxpayer is entitled to an additional credit of three per cent of 46013
the advance tax payment and a discount of three per cent shall be 46014

allowed the taxpayer at the time of filing the report if filed as 46015
provided in division (B) of this section on any amount by which 46016
the tax liability reflected in the report exceeds the advance tax 46017
payment estimate by not more than ten per cent. The additional 46018
three per cent credit and three per cent discount shall be in 46019
consideration for advancing the payment of the tax and other 46020
services performed by the permit holder and other taxpayers in the 46021
collection of the tax. 46022

"Advance tax payment credit" means credit for payments made 46023
by an A-1, A-1c, or B-1 permit holder and any other persons during 46024
the period covered by a report which was made in anticipation of 46025
the tax liability required to be reported on that report. 46026

"Tax liability" as used in division (A) of this section means 46027
the total gross tax liability of an A-1, A-1c, or B-1 permit 46028
holder and any other persons for the period covered by a report 46029
before any allowance for credits and discount. 46030

(B) Every A-1 or A-1c permit holder in this state, every 46031
bottler, importer, wholesale dealer, broker, producer, or 46032
manufacturer of beer outside this state and within the United 46033
States, and every B-1 permit holder importing beer from any 46034
manufacturer, bottler, person, or group of persons however 46035
organized outside the United States, and every S-1 permit 46036
holder, on or before the tenth day of each month, shall make and 46037
file a report for the preceding month upon a form prescribed by 46038
the tax commissioner which report shall show the amount of beer 46039
produced, sold, and distributed for sale in this state by the A-1 46040
or A-1c permit holder, sold and distributed for sale in this state 46041
by each manufacturer, bottler, importer, wholesale dealer, or 46042
broker outside this state and within the United States, the amount 46043
of beer imported into this state from outside the United States 46044
and sold and distributed for sale in this state by the B-1 permit 46045

holder or importer, and the amount of beer sold in this state by 46046
the § S-1 permit holder. 46047

The report shall be filed by mailing it to the tax 46048
commissioner, together with payment of the tax levied by sections 46049
4301.42 and 4305.01 of the Revised Code shown to be due on the 46050
report after deduction of advance payment credits and any 46051
additional credits or discounts provided for under this section. 46052

(C)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 46053
and § S-2 permit holder in this state, on or before the eighteenth 46054
day of each month, shall make and file a report with the tax 46055
commissioner upon a form prescribed by the tax commissioner which 46056
report shall show, on the report of each A-2, A-2f, A-4, B-2a, 46057
S-1, and § S-2 permit holder the amount of wine, cider, and mixed 46058
beverages produced and sold, or sold in this state by each such 46059
A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder for the next 46060
preceding calendar month and such other information as the tax 46061
commissioner requires, and on the report of each such B-2, B-3, 46062
B-4, and B-5 permit holder the amount of wine, cider, and mixed 46063
beverages purchased from an importer, broker, wholesale dealer, 46064
producer, or manufacturer located outside this state and sold and 46065
distributed in this state by such B-2, B-3, B-4, and B-5 permit 46066
holder, for the next preceding calendar month and such other 46067
information as the tax commissioner requires. 46068

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 46069
and § S-2 permit holder in this state shall remit with the report 46070
the tax levied by sections 4301.43 and, if applicable, 4301.432 of 46071
the Revised Code less a discount thereon of three per cent of the 46072
total tax so levied and paid, provided the return is filed 46073
together with remittance of the amount of tax shown to be due 46074
thereon, within the time prescribed. Any permit holder or other 46075
persons who fail to file a report under this section, for each day 46076
the person so fails, may be required to forfeit and pay into the 46077

state treasury the sum of one dollar as revenue arising from the 46078
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 46079
the Revised Code, and that sum may be collected by assessment in 46080
the manner provided in section 4305.13 of the Revised Code. 46081

(3) If the tax commissioner determines that the quantity 46082
reported by a person does not warrant monthly reporting, the 46083
commissioner may authorize the filing of returns and the payment 46084
of the tax required by this section for periods longer than one 46085
month. 46086

(D) Every B-1 permit holder and importer in this state 46087
importing beer from any manufacturer, bottler, person, or group of 46088
persons however organized, outside the United States, if required 46089
by the tax commissioner shall post a bond payable to the state in 46090
such form and amount as the commissioner prescribes with surety to 46091
the satisfaction of the tax commissioner, conditioned upon the 46092
payment to the tax commissioner of taxes levied by sections 46093
4301.42 and 4305.01 of the Revised Code. 46094

(E) No such wine, beer, cider, or mixed beverages sold or 46095
distributed in this state shall be taxed more than once under 46096
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 46097

(F) As used in this section: 46098

(1) "Cider" has the same meaning as in section 4301.01 of the 46099
Revised Code. 46100

(2) "Wine" has the same meaning as in section 4301.01 of the 46101
Revised Code, except that "wine" does not include cider. 46102

(G) All money collected by the tax commissioner under this 46103
section shall be paid to the treasurer of state as revenue arising 46104
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 46105
4305.01 of the Revised Code. 46106

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 46107

Revised Code shall be fined not less than one thousand nor more
than twenty-five hundred dollars or imprisoned not less than six
months nor more than one year.

(B) Whoever violates section 4303.36 of the Revised Code
shall be fined not less than twenty-five nor more than one hundred
dollars.

(C) Whoever violates section 4303.37 of the Revised Code
shall be fined not less than twenty-five nor more than fifty
dollars.

(D) Whoever violates division (D)(2) of section 4303.202 or
division (C) of section 4303.208 of the Revised Code is guilty of
a misdemeanor of the fourth degree.

(E)(1) Whoever violates division (B)(1) or (2) of section
4303.236 of the Revised Code is guilty of a misdemeanor and shall
be fined not more than five hundred dollars.

(2) If a person commits a second offense within one year
after committing the first offense, the person shall be fined not
more than one thousand dollars.

(3) If a person commits a third or subsequent offense within
one year after committing the first offense, the person shall be
fined not more than five thousand dollars.

Sec. 4501.21. (A) There is hereby created in the state
treasury the license plate contribution fund. The fund shall
consist of all contributions for specialty license plates paid by
motor vehicle registrants and collected by the registrar of motor
vehicles pursuant to the Revised Code sections referenced in
division (B) of this section.

(B) The registrar shall pay the contributions the registrar
collects in the fund as follows:

The registrar shall pay the contributions received pursuant

to section 4503.491 of the Revised Code to the breast cancer fund 46138
of Ohio, which shall use that money only to pay for programs that 46139
provide assistance and education to Ohio breast cancer patients 46140
and that improve access for such patients to quality health care 46141
and clinical trials and shall not use any of the money for 46142
abortion information, counseling, services, or other 46143
abortion-related activities. 46144

The registrar shall pay the contributions the registrar 46145
receives pursuant to section 4503.492 of the Revised Code to the 46146
organization cancer support community central Ohio, which shall 46147
deposit the money into the Sheryl L. Kraner Fund of that 46148
organization. Cancer support community central Ohio shall expend 46149
the money it receives pursuant to this division only in the same 46150
manner and for the same purposes as that organization expends 46151
other money in that fund. 46152

The registrar shall pay the contributions received pursuant 46153
to section 4503.493 of the Revised Code to the autism society of 46154
Ohio, which shall use the contributions for programs and autism 46155
awareness efforts throughout the state. 46156

The registrar shall pay the contributions the registrar 46157
receives pursuant to section 4503.494 of the Revised Code to the 46158
national multiple sclerosis society for distribution in equal 46159
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 46160
chapters of the national multiple sclerosis society. These 46161
chapters shall use the money they receive under this section to 46162
assist in paying the expenses they incur in providing services 46163
directly to their clients. 46164

The registrar shall pay the contributions the registrar 46165
receives pursuant to section 4503.495 of the Revised Code to the 46166
national pancreatic cancer foundation, which shall use the money 46167
it receives under this section to assist those who suffer with 46168
pancreatic cancer and their families. 46169

The registrar shall pay the contributions the registrar receives pursuant to section 4503.496 of the Revised Code to the Ohio sickle cell and health association, which shall use the contributions to help support educational, clinical, and social support services for adults who have sickle cell disease.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational

and scholarship purposes of the future farmers of America 46201
foundation. 46202

The registrar shall pay the contributions the registrar 46203
receives pursuant to section 4503.501 of the Revised Code to the 46204
4-H youth development program of the Ohio state university 46205
extension program, which shall use those contributions to pay the 46206
expenses it incurs in conducting its educational activities. 46207

The registrar shall pay the contributions received pursuant 46208
to section 4503.502 of the Revised Code to the Ohio cattlemen's 46209
foundation, which shall use those contributions for scholarships 46210
and other educational activities. 46211

The registrar shall pay the contributions received pursuant 46212
to section 4503.505 of the Revised Code to the organization Ohio 46213
region phi theta kappa, which shall use those contributions for 46214
scholarships for students who are members of that organization. 46215

The registrar shall pay the contributions the registrar 46216
receives pursuant to section 4503.506 of the Revised Code to Ohio 46217
demolay, which shall use the contributions for scholarships, 46218
educational programs, and any other programs or events the 46219
organization holds or sponsors in this state. 46220

The registrar shall pay the contributions received pursuant 46221
to section 4503.508 of the Revised Code to the organization 46222
bottoms up diaper drive to provide funding for that organization 46223
for collecting and delivering diapers to parents in need. 46224

The registrar shall pay the contributions the registrar 46225
receives pursuant to section 4503.509 of the Revised Code to a kid 46226
again, incorporated for distribution in equal amounts to the Ohio 46227
chapters of a kid again. 46228

The registrar shall pay each contribution the registrar 46229
receives pursuant to section 4503.51 of the Revised Code to the 46230
university or college whose name or marking or design appears on 46231

collegiate license plates that are issued to a person under that 46232
section. A university or college that receives contributions from 46233
the fund shall deposit the contributions into its general 46234
scholarship fund. 46235

The registrar shall pay the contributions the registrar 46236
receives pursuant to section 4503.514 of the Revised Code to the 46237
university of Notre Dame in South Bend, Indiana, for purposes of 46238
awarding grants or scholarships to residents of Ohio who attend 46239
the university. The university shall not use any of the funds it 46240
receives for purposes of administering the scholarship program. 46241
The registrar shall enter into appropriate agreements with the 46242
university of Notre Dame to effectuate the distribution of such 46243
funds as provided in this section. 46244

The registrar shall pay the contributions the registrar 46245
receives pursuant to section 4503.521 of the Revised Code to the 46246
Ohio bicycle federation to assist that organization in paying for 46247
the educational programs it sponsors in support of Ohio cyclists 46248
of all ages. 46249

The registrar shall pay the contributions the registrar 46250
receives pursuant to section 4503.522 of the Revised Code to the 46251
"friends of Perry's victory and international peace memorial, 46252
incorporated," a nonprofit corporation organized under the laws of 46253
this state, to assist that organization in paying the expenses it 46254
incurs in sponsoring or holding charitable, educational, and 46255
cultural events at the monument. 46256

The registrar shall pay the contributions the registrar 46257
receives pursuant to section 4503.523 of the Revised Code to the 46258
fairport lights foundation, which shall use the money to pay for 46259
the restoration, maintenance, and preservation of the lighthouses 46260
of fairport harbor. 46261

The registrar shall pay the contributions the registrar 46262

receives pursuant to section 4503.524 of the Revised Code to the 46263
Massillon tiger football booster club, which shall use the 46264
contributions only to promote and support the football team of 46265
Washington high school of the Massillon city school district. 46266

The registrar shall pay the contributions the registrar 46267
receives pursuant to section 4503.525 of the Revised Code to the 46268
United States power squadron ~~districts~~ district seven, ~~eleven,~~ 46269
~~twenty four, and twenty nine~~ which shall annually distribute the 46270
contributions in equal amounts to all United States power 46271
squadrons located in the state. Each power squadron district shall 46272
use the money it receives under this section to pay for the 46273
educational boating programs each district holds or sponsors 46274
within this state. 46275

The registrar shall pay the contributions the registrar 46276
receives pursuant to section 4503.526 of the Revised Code to the 46277
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 46278
international, which shall use the money it receives under this 46279
section to pay the costs of its educational and humanitarian 46280
activities. 46281

The registrar shall pay the contributions the registrar 46282
receives pursuant to section 4503.528 of the Revised Code to the 46283
Ohio children's alliance, which shall use the money it receives 46284
under this section to pay the expenses it incurs in advancing its 46285
mission of sustainably improving the provision of services to 46286
children, young adults, and families in this state. 46287

The registrar shall pay the contributions the registrar 46288
receives pursuant to section 4503.529 of the Revised Code to the 46289
Ohio nurses foundation. The foundation shall use the money it 46290
receives under this section to provide educational scholarships to 46291
assist individuals who aspire to join the nursing profession, to 46292
assist nurses in the nursing profession who seek to advance their 46293
education, and to support persons conducting nursing research 46294

concerning the evidence-based practice of nursing and the 46295
improvement of patient outcomes. 46296

The registrar shall pay the contributions the registrar 46297
receives pursuant to section 4503.531 of the Revised Code to the 46298
thank you foundation, incorporated, a nonprofit corporation 46299
organized under the laws of this state, to assist that 46300
organization in paying for the charitable activities and programs 46301
it sponsors in support of United States military personnel, 46302
veterans, and their families. 46303

The registrar shall pay the contributions the registrar 46304
receives pursuant to section 4503.534 of the Revised Code to the 46305
disabled American veterans department of Ohio, to be used for 46306
programs that serve disabled American veterans and their families. 46307

The registrar shall pay the contributions the registrar 46308
receives pursuant to section 4503.55 of the Revised Code to the 46309
pro football hall of fame, which shall deposit the contributions 46310
into a special bank account that it establishes and which shall be 46311
separate and distinct from any other account the pro football hall 46312
of fame maintains, to be used exclusively for the purpose of 46313
promoting the pro football hall of fame as a travel destination. 46314

The registrar shall pay the contributions that are paid to 46315
the registrar pursuant to section 4503.545 of the Revised Code to 46316
the national rifle association foundation, which shall use the 46317
money to pay the costs of the educational activities and programs 46318
the foundation holds or sponsors in this state. 46319

The registrar shall pay to the Ohio pet fund the 46320
contributions the registrar receives pursuant to section 4503.551 46321
of the Revised Code and any other money from any other source, 46322
including donations, gifts, and grants, that is designated by the 46323
source to be paid to the Ohio pet fund. The Ohio pet fund shall 46324
use the moneys it receives under this section to support programs 46325

for the sterilization of dogs and cats and for educational 46326
programs concerning the proper veterinary care of those animals, 46327
and for expenses of the Ohio pet fund that are reasonably 46328
necessary for it to obtain and maintain its tax-exempt status and 46329
to perform its duties. 46330

The registrar shall pay the contributions the registrar 46331
receives pursuant to section 4503.552 of the Revised Code to the 46332
rock and roll hall of fame and museum, incorporated. 46333

The registrar shall pay the contributions the registrar 46334
receives pursuant to section 4503.553 of the Revised Code to the 46335
Ohio coalition for animals, incorporated, a nonprofit corporation. 46336
Except as provided in division (B) of this section, the coalition 46337
shall distribute the money to its members, and the members shall 46338
use the money only to pay for educational, charitable, and other 46339
programs of each coalition member that provide care for unwanted, 46340
abused, and neglected horses. The Ohio coalition for animals may 46341
use a portion of the money to pay for reasonable marketing costs 46342
incurred in the design and promotion of the license plate and for 46343
administrative costs incurred in the disbursement and management 46344
of funds received under this section. 46345

The registrar shall pay the contributions the registrar 46346
receives pursuant to section 4503.554 of the Revised Code to the 46347
Ohio state council of the knights of Columbus, which shall use the 46348
contributions to pay for its charitable activities and programs. 46349

The registrar shall pay the contributions the registrar 46350
receives pursuant to section 4503.555 of the Revised Code to the 46351
western reserve historical society, which shall use the 46352
contributions to fund the Crawford auto aviation museum. 46353

The registrar shall pay the contributions the registrar 46354
receives pursuant to section 4503.556 of the Revised Code to the 46355
Erica J. Holloman foundation, inc., for the awareness of triple 46356

negative breast cancer. The foundation shall use the contributions 46357
for charitable and educational purposes. 46358

The registrar shall pay each contribution the registrar 46359
receives pursuant to section 4503.557 of the Revised Code to the 46360
central Ohio chapter of the Ronald McDonald house charities, which 46361
shall distribute the contribution to the chapter of the Ronald 46362
McDonald house charities in whose geographic territory the person 46363
who paid the contribution resides. 46364

The registrar shall pay the contributions the registrar 46365
receives pursuant to section 4503.561 of the Revised Code to the 46366
state of Ohio chapter of ducks unlimited, inc., which shall 46367
deposit the contributions into a special bank account that it 46368
establishes. The special bank account shall be separate and 46369
distinct from any other account the state of Ohio chapter of ducks 46370
unlimited, inc., maintains and shall be used exclusively for the 46371
purpose of protecting, enhancing, restoring, and managing wetlands 46372
and conserving wildlife habitat. The state of Ohio chapter of 46373
ducks unlimited, inc., annually shall notify the registrar in 46374
writing of the name, address, and account to which such payments 46375
are to be made. 46376

The registrar shall pay the contributions the registrar 46377
receives pursuant to section 4503.562 of the Revised Code to the 46378
Mahoning river consortium, which shall use the money to pay the 46379
expenses it incurs in restoring and maintaining the Mahoning river 46380
watershed. 46381

The registrar shall pay the contributions the registrar 46382
receives pursuant to section 4503.564 of the Revised Code to the 46383
Glen Helen association to pay expenses related to the Glen Helen 46384
nature preserve. 46385

The registrar shall pay the contributions the registrar 46386
receives pursuant to section 4503.565 of the Revised Code to the 46387

conservancy for Cuyahoga valley national park, which shall use the 46388
money in support of the park. 46389

The registrar shall pay the contributions the registrar 46390
receives pursuant to section 4503.566 of the Revised Code to the 46391
Ottawa national wildlife refuge, which shall use the contributions 46392
for wildlife preservation purposes. 46393

The registrar shall pay the contributions the registrar 46394
receives pursuant to section 4503.567 of the Revised Code to the 46395
girls on the run of Franklin county, inc., which shall use the 46396
contributions to support the activities of the organization. 46397

The registrar shall pay the contributions the registrar 46398
receives pursuant to section 4503.576 of the Revised Code to the 46399
Ohio state beekeepers association, which shall use those 46400
contributions to promote beekeeping, provide educational 46401
information about beekeeping, and to support other state and local 46402
beekeeping programs. 46403

The registrar shall pay the contributions the registrar 46404
receives pursuant to section 4503.577 of the Revised Code to the 46405
national aviation hall of fame, which shall use the contributions 46406
to fulfill its mission of honoring aerospace legends to inspire 46407
future leaders. 46408

The registrar shall pay the contributions the registrar 46409
receives pursuant to section 4503.579 of the Revised Code to the 46410
national council of negro women, incorporated, which shall use the 46411
contributions for educational purposes. 46412

The registrar shall pay the contributions the registrar 46413
receives pursuant to section 4503.581 of the Revised Code to the 46414
Ohio sons of the American legion, which shall use the 46415
contributions to support the activities of the organization. 46416

The registrar shall pay to a sports commission created 46417
pursuant to section 4503.591 of the Revised Code each contribution 46418

the registrar receives under that section that an applicant pays 46419
to obtain license plates that bear the logo of a professional 46420
sports team located in the county of that sports commission and 46421
that is participating in the license plate program pursuant to 46422
division (E) of that section, irrespective of the county of 46423
residence of an applicant. 46424

The registrar shall pay to a community charity each 46425
contribution the registrar receives under section 4503.591 of the 46426
Revised Code that an applicant pays to obtain license plates that 46427
bear the logo of a professional sports team that is participating 46428
in the license plate program pursuant to division (G) of that 46429
section. 46430

The registrar shall pay the contributions the registrar 46431
receives pursuant to section 4503.592 of the Revised Code to 46432
pollinator partnership's monarch wings across Ohio program, which 46433
shall use the contributions for the protection and preservation of 46434
the monarch butterfly and pollinator corridor in Ohio and for 46435
educational programs. 46436

The registrar shall pay the contributions the registrar 46437
receives pursuant to section 4503.594 of the Revised Code to 46438
pelotonia, which shall use the contributions for the purpose of 46439
supporting cancer research. 46440

The registrar shall pay the contributions the registrar 46441
receives pursuant to section 4503.595 of the Revised Code to the 46442
Stan Hywet hall and gardens. 46443

The registrar shall pay the contributions the registrar 46444
receives pursuant to section 4503.596 of the Revised Code to the 46445
Cuyahoga valley scenic railroad. 46446

The registrar shall pay the contributions the registrar 46447
receives pursuant to section 4503.67 of the Revised Code to the 46448
Dan Beard council of the boy scouts of America. The council shall 46449

distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts. 46450
46451

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the girl scouts of Ohio's heartland. The girl scouts of Ohio's heartland shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts. 46452
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts. 46458
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.70 of the Revised Code to the charitable foundation of the grand lodge of Ohio, f. & a. m., which shall use the contributions for scholarship purposes. 46463
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.701 of the Revised Code to the Prince Hall grand lodge of free and accepted masons of Ohio, which shall use the contributions for scholarship purposes. 46467
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.702 of the Revised Code to the Ohio Association of the Improved Benevolent and Protective Order of the Elks of the World, which shall use the funds for charitable purposes. 46471
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated. 46476
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order.

The registrar shall pay the contributions received pursuant to section 4503.712 of the Revised Code to Ohio concerns of police survivors, which shall use those contributions to provide whatever assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty.

The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland peace officers memorial society, which shall use those contributions to honor law enforcement officers who have died in the line of duty and support its charitable purposes.

The registrar shall pay the contributions received pursuant to section 4503.714 of the Revised Code to the Ohio association of chiefs of police.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.715 of the Revised Code to the fallen linemen organization, which shall use the contributions to recognize and memorialize fallen linemen and support their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.716 of the Revised Code to the fallen timbers battlefield preservation commission, which shall use the contributions to further the mission of the commission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the

organization known on March 31, 2003, as the Ohio CASA/GAL 46512
association, a private, nonprofit corporation organized under 46513
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 46514
shall use these contributions to pay the expenses it incurs in 46515
administering a program to secure the proper representation in the 46516
courts of this state of abused, neglected, and dependent children, 46517
and for the training and supervision of persons participating in 46518
that program. 46519

The registrar shall pay the contributions the registrar 46520
receives pursuant to section 4503.722 of the Revised Code to the 46521
Down Syndrome Association of Central Ohio, which shall use the 46522
contributions for advocacy purposes throughout the state. 46523

The registrar shall pay the contributions the registrar 46524
receives pursuant to section 4503.724 of the Revised Code to the 46525
Ohio Chapter of the American Foundation for Suicide Prevention, 46526
which shall use the contributions for programs, education, and 46527
advocacy purposes throughout the state. 46528

The registrar shall pay the contributions the registrar 46529
receives pursuant to section 4503.725 of the Revised Code to the 46530
ALS association central & southern Ohio chapter, which shall split 46531
the contributions between that chapter and the ALS association 46532
northern Ohio chapter in accordance with any agreement between the 46533
two associations. The contributions shall be used to discover 46534
treatments and a cure for ALS, and to serve, advocate for, and 46535
empower people affected by ALS to live their lives to the fullest. 46536

The registrar shall pay the contributions the registrar 46537
receives pursuant to section 4503.73 of the Revised Code to Wright 46538
B. Flyer, incorporated, which shall deposit the contributions into 46539
its general account to be used for purposes of Wright B. Flyer, 46540
incorporated. 46541

The registrar shall pay the contributions the registrar 46542

receives pursuant to section 4503.732 of the Revised Code to the 46543
Siegel Shuster society, a nonprofit organization dedicated to 46544
commemorating and celebrating the creation of Superman in 46545
Cleveland, Ohio. 46546

The registrar shall pay the contributions the registrar 46547
receives pursuant to section 4503.733 of the Revised Code to the 46548
central Ohio chapter of the juvenile diabetes research foundation, 46549
which shall distribute the contributions to the chapters of the 46550
juvenile diabetes research foundation in whose geographic 46551
territory the person who paid the contribution resides. 46552

The registrar shall pay the contributions the registrar 46553
receives pursuant to section 4503.734 of the Revised Code to the 46554
Ohio highway patrol auxiliary foundation, which shall use the 46555
contributions to fulfill the foundation's mission of supporting 46556
law enforcement education and assistance. 46557

The registrar shall pay the contributions the registrar 46558
receives pursuant to section 4503.74 of the Revised Code to the 46559
Columbus zoological park association, which shall disburse the 46560
moneys to Ohio's major metropolitan zoos, as defined in section 46561
4503.74 of the Revised Code, in accordance with a written 46562
agreement entered into by the major metropolitan zoos. 46563

The registrar shall pay the contributions the registrar 46564
receives pursuant to section 4503.75 of the Revised Code to the 46565
rotary foundation, located on March 31, 2003, in Evanston, 46566
Illinois, to be placed in a fund known as the permanent fund and 46567
used to endow educational and humanitarian programs of the rotary 46568
foundation. 46569

The registrar shall pay the contributions the registrar 46570
receives pursuant to section 4503.751 of the Revised Code to the 46571
Ohio association of realtors, which shall deposit the 46572
contributions into a property disaster relief fund maintained 46573

under the Ohio realtors charitable and education foundation. 46574

The registrar shall pay the contributions the registrar 46575
receives pursuant to section 4503.752 of the Revised Code to 46576
buckeye corvettes, incorporated, which shall use the contributions 46577
to pay for its charitable activities and programs. 46578

The registrar shall pay the contributions the registrar 46579
receives pursuant to section 4503.754 of the Revised Code to the 46580
municipal corporation of Twinsburg. 46581

The registrar shall pay the contributions the registrar 46582
receives pursuant to section 4503.763 of the Revised Code to the 46583
Ohio history connection to be used solely to build, support, and 46584
maintain the Ohio battleflag collection within the Ohio history 46585
connection. 46586

The registrar shall pay the contributions the registrar 46587
receives pursuant to section 4503.764 of the Revised Code to the 46588
Medina county historical society, which shall use those 46589
contributions to distribute between the various historical 46590
societies and museums in Medina county. 46591

The registrar shall pay the contributions the registrar 46592
receives pursuant to section 4503.765 of the Revised Code to the 46593
Amaranth grand chapter foundation, which shall use the 46594
contributions for communal outreach, charitable service, and 46595
scholarship purposes. 46596

The registrar shall pay the contributions the registrar 46597
receives pursuant to section 4503.767 of the Revised Code to folds 46598
of honor of central Ohio, which shall use the contributions to 46599
provide scholarships to spouses and children either of disabled 46600
veterans or of members of any branch of the armed forces who died 46601
during their service. 46602

The registrar shall pay the contributions the registrar 46603
receives pursuant to section 4503.85 of the Revised Code to the 46604

Ohio sea grant college program to be used for Lake Erie area 46605
research projects. 46606

The registrar shall pay the contributions the registrar 46607
receives pursuant to section 4503.86 of the Revised Code to the 46608
Ohio Lincoln highway historic byway, which shall use those 46609
contributions solely to promote and support the historical 46610
preservation and advertisement of the Lincoln highway in this 46611
state. 46612

The registrar shall pay the contributions the registrar 46613
receives pursuant to section 4503.87 of the Revised Code to the 46614
Grove City little league dream field fund, which shall use those 46615
contributions solely to build, maintain, and improve youth 46616
baseball fields within the municipal corporation of Grove City. 46617

The registrar shall pay the contributions the registrar 46618
receives pursuant to section 4503.871 of the Revised Code to the 46619
Solon city school district. The school district shall use the 46620
contributions it receives to pay the expenses it incurs in 46621
providing services to the school district's students that assist 46622
in developing or maintaining the mental and emotional well-being 46623
of the students. The services provided may include bereavement 46624
counseling, instruction in defensive driving techniques, 46625
sensitivity training, and the counseling and education of students 46626
regarding bullying, dating violence, drug abuse, suicide 46627
prevention, and human trafficking. The school district 46628
superintendent or, in the school district superintendent's 46629
discretion, the appropriate school principal or appropriate school 46630
counselors shall determine any charitable organizations that the 46631
school district hires to provide those services. The school 46632
district also may use the contributions it receives to pay for 46633
members of the faculty of the school district to receive training 46634
in providing such services to the students of the school district. 46635
The school district shall ensure that any charitable organization 46636

that is hired by the district is exempt from federal income 46637
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46638
The school district shall not use the contributions it receives 46639
for any other purpose. 46640

The registrar shall pay the contributions the registrar 46641
receives pursuant to section 4503.872 of the Revised Code to the 46642
Canton city school district. The district may use the 46643
contributions for student welfare, but shall not use the 46644
contributions for any political purpose or to pay salaries of 46645
district employees. 46646

The registrar shall pay the contributions the registrar 46647
receives pursuant to section 4503.873 of the Revised Code to Padua 46648
Franciscan high school located in the municipal corporation of 46649
Parma. The school shall use fifty per cent of the contributions it 46650
receives to provide tuition assistance to its students. The school 46651
shall use the remaining fifty per cent to pay the expenses it 46652
incurs in providing services to the school's students that assist 46653
in developing or maintaining the mental and emotional well-being 46654
of the students. The services provided may include bereavement 46655
counseling, instruction in defensive driving techniques, 46656
sensitivity training, and the counseling and education of students 46657
regarding bullying, dating violence, drug abuse, suicide 46658
prevention, and human trafficking. As a part of providing such 46659
services, the school may pay for members of the faculty of the 46660
school to receive training in providing those services. The school 46661
principal or, in the school principal's discretion, appropriate 46662
school counselors shall determine any charitable organizations 46663
that the school hires to provide those services. The school shall 46664
ensure that any such charitable organization is exempt from 46665
federal income taxation under subsection 501(c)(3) of the Internal 46666
Revenue Code. The school shall not use the contributions it 46667
receives for any other purpose. 46668

The registrar shall pay the contributions the registrar receives pursuant to section 4503.874 of the Revised Code to St. Edward high school located in the municipal corporation of Lakewood. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.875 of the Revised Code to Walsh Jesuit high school located in the municipal corporation of Cuyahoga Falls. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education

of students regarding bullying, dating violence, drug abuse, 46702
suicide prevention, and human trafficking. As a part of providing 46703
such services, the school may pay for members of the faculty of 46704
the school to receive training in providing those services. The 46705
school principal or, in the school principal's discretion, 46706
appropriate school counselors shall determine any charitable 46707
organizations that the school hires to provide those services. The 46708
school shall ensure that any such charitable organization is 46709
exempt from federal income taxation under subsection 501(c)(3) of 46710
the Internal Revenue Code. The school shall not use the 46711
contributions it receives for any other purpose. 46712

The registrar shall pay the contributions the registrar 46713
receives pursuant to section 4503.876 of the Revised Code to the 46714
North Royalton city school district. The school district shall use 46715
the contributions it receives to pay the expenses it incurs in 46716
providing services to the school district's students that assist 46717
in developing or maintaining the mental and emotional well-being 46718
of the students. The services provided may include bereavement 46719
counseling, instruction in defensive driving techniques, 46720
sensitivity training, and the counseling and education of students 46721
regarding bullying, dating violence, drug abuse, suicide 46722
prevention, and human trafficking. The school district 46723
superintendent or, in the school district superintendent's 46724
discretion, the appropriate school principal or appropriate school 46725
counselors shall determine any charitable organizations that the 46726
school district hires to provide those services. The school 46727
district also may use the contributions it receives to pay for 46728
members of the faculty of the school district to receive training 46729
in providing such services to the students of the school district. 46730
The school district shall ensure that any charitable organization 46731
that is hired by the district is exempt from federal income 46732
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46733
The school district shall not use the contributions it receives 46734

for any other purpose. 46735

The registrar shall pay the contributions the registrar 46736
receives pursuant to section 4503.877 of the Revised Code to the 46737
Independence local school district. The school district shall use 46738
the contributions it receives to pay the expenses it incurs in 46739
providing services to the school district's students that assist 46740
in developing or maintaining the mental and emotional well-being 46741
of the students. The services provided may include bereavement 46742
counseling, instruction in defensive driving techniques, 46743
sensitivity training, and the counseling and education of students 46744
regarding bullying, dating violence, drug abuse, suicide 46745
prevention, and human trafficking. The school district 46746
superintendent or, in the school district superintendent's 46747
discretion, the appropriate school principal or appropriate school 46748
counselors shall determine any charitable organizations that the 46749
school district hires to provide those services. The school 46750
district also may use the contributions it receives to pay for 46751
members of the faculty of the school district to receive training 46752
in providing such services to the students of the school district. 46753
The school district shall ensure that any charitable organization 46754
that is hired by the district is exempt from federal income 46755
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46756
The school district shall not use the contributions it receives 46757
for any other purpose. 46758

The registrar shall pay the contributions the registrar 46759
receives pursuant to section 4503.878 of the Revised Code to the 46760
Cuyahoga Heights local school district. The school district shall 46761
use the contributions it receives to pay the expenses it incurs in 46762
providing services to the school district's students that assist 46763
in developing or maintaining the mental and emotional well-being 46764
of the students. The services provided may include bereavement 46765
counseling, instruction in defensive driving techniques, 46766

sensitivity training, and the counseling and education of students 46767
regarding bullying, dating violence, drug abuse, suicide 46768
prevention, and human trafficking. The school district 46769
superintendent or, in the school district superintendent's 46770
discretion, the appropriate school principal or appropriate school 46771
counselors, shall determine any charitable organizations that the 46772
school district hires to provide those services. The school 46773
district also may use the contributions it receives to pay for 46774
members of the faculty of the school district to receive training 46775
in providing such services to the students of the school district. 46776
The school district shall ensure that any charitable organization 46777
that is hired by the district is exempt from federal income 46778
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46779
The school district shall not use the contributions it receives 46780
for any other purpose. 46781

The registrar shall pay the contributions the registrar 46782
receives pursuant to section 4503.879 of the Revised Code to the 46783
west technical high school alumni association, which shall use the 46784
contributions for activities sponsored by the association. 46785

The registrar shall pay the contributions the registrar 46786
receives pursuant to section 4503.88 of the Revised Code to the 46787
Kenston local school district. The school district shall use the 46788
contributions it receives to pay the expenses it incurs in 46789
providing services that assist in developing or maintaining a 46790
culture of environmental responsibility and an innovative science, 46791
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 46792
the school district's students. The school district shall not use 46793
the contributions it receives for any other purpose. 46794

The registrar shall pay the contributions the registrar 46795
receives pursuant to section 4503.881 of the Revised Code to La 46796
Salle high school in the municipal corporation of Cincinnati. The 46797
high school shall not use the contributions it receives for any 46798

political purpose. 46799

The registrar shall pay the contributions the registrar 46800
receives pursuant to section 4503.882 of the Revised Code to St. 46801
John's Jesuit high school and academy located in the municipal 46802
corporation of Toledo. The school shall use the contributions it 46803
receives to provide tuition assistance for students attending the 46804
school. 46805

The registrar shall pay the contributions the registrar 46806
receives pursuant to section 4503.883 of the Revised Code to St. 46807
Charles preparatory school located in the municipal corporation of 46808
Columbus, which shall use the contributions for the school's 46809
alumni association and the alumni association's purposes. 46810

The registrar shall pay the contributions the registrar 46811
receives pursuant to section 4503.884 of the Revised Code to 46812
Archbishop Moeller high school located in the municipal 46813
corporation of Cincinnati. The high school shall not use the 46814
contributions it receives for any political purpose. 46815

The registrar shall pay the contributions the registrar 46816
receives pursuant to section 4503.89 of the Revised Code to the 46817
American red cross of greater Columbus on behalf of the Ohio 46818
chapters of the American red cross, which shall use the 46819
contributions for disaster readiness, preparedness, and response 46820
programs on a statewide basis. 46821

The registrar shall pay the contributions the registrar 46822
receives pursuant to section 4503.891 of the Revised Code to the 46823
Ohio lions foundation. The foundation shall use the contributions 46824
for charitable and educational purposes. 46825

The registrar shall pay the contributions the registrar 46826
receives pursuant to section 4503.892 of the Revised Code to the 46827
Hudson city school district. The school district shall not use the 46828
contributions it receives for any political purpose. 46829

The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the Ohio association for pupil transportation, which shall use the money to support transportation programs, provide training to school transportation professionals, and support other initiatives for school transportation safety.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.902 of the Revised Code to St. Ignatius high school located in the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of

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the school to receive training in providing those services. The 46862
school principal or, in the school principal's discretion, 46863
appropriate school counselors shall determine any charitable 46864
organizations that the school hires to provide those services. The 46865
school shall ensure that any such charitable organization is 46866
exempt from federal income taxation under subsection 501(c)(3) of 46867
the Internal Revenue Code. The school shall not use the 46868
contributions it receives for any other purpose. 46869

The registrar shall pay the contributions the registrar 46870
receives pursuant to section 4503.903 of the Revised Code to the 46871
Brecksville-Broadview Heights city school district. The school 46872
district shall use the contributions it receives to pay the 46873
expenses it incurs in providing services to the school district's 46874
students that assist in developing or maintaining the mental and 46875
emotional well-being of the students. The services provided may 46876
include bereavement counseling, instruction in defensive driving 46877
techniques, sensitivity training, and the counseling and education 46878
of students regarding bullying, dating violence, drug abuse, 46879
suicide prevention, and human trafficking. The school district 46880
superintendent or, in the school district superintendent's 46881
discretion, the appropriate school principal or appropriate school 46882
counselors shall determine any charitable organizations that the 46883
school district hires to provide those services. The school 46884
district also may use the contributions it receives to pay for 46885
members of the faculty of the school district to receive training 46886
in providing such services to the students of the school district. 46887
The school district shall ensure that any charitable organization 46888
that is hired by the district is exempt from federal income 46889
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46890
The school district shall not use the contributions it receives 46891
for any other purpose. 46892

The registrar shall pay the contributions the registrar 46893

receives pursuant to section 4503.904 of the Revised Code to the 46894
Chagrin Falls exempted village school district. The school 46895
district shall use the contributions it receives to pay the 46896
expenses it incurs in providing services to the school district's 46897
students that assist in developing or maintaining the mental and 46898
emotional well-being of the students. The services provided may 46899
include bereavement counseling, instruction in defensive driving 46900
techniques, sensitivity training, and the counseling and education 46901
of students regarding bullying, dating violence, drug abuse, 46902
suicide prevention, and human trafficking. The school district 46903
superintendent or, in the school district superintendent's 46904
discretion, the appropriate school principal or appropriate school 46905
counselors shall determine any charitable organizations that the 46906
school district hires to provide those services. The school 46907
district also may use the contributions it receives to pay for 46908
members of the faculty of the school district to receive training 46909
in providing such services to the students of the school district. 46910
The school district shall ensure that any charitable organization 46911
that is hired by the district is exempt from federal income 46912
taxation under subsection 501(c)(3) of the Internal Revenue Code. 46913
The school district shall not use the contributions it receives 46914
for any other purpose. 46915

The registrar shall pay the contributions the registrar 46916
receives pursuant to section 4503.905 of the Revised Code to the 46917
Cuyahoga valley career center. The career center shall use the 46918
contributions it receives to pay the expenses it incurs in 46919
providing services to the career center's students that assist in 46920
developing or maintaining the mental and emotional well-being of 46921
the students. The services provided may include bereavement 46922
counseling, instruction in defensive driving techniques, 46923
sensitivity training, and the counseling and education of students 46924
regarding bullying, dating violence, drug abuse, suicide 46925
prevention, and human trafficking. The career center's 46926

superintendent or in the career center's superintendent's 46927
discretion, the school board or appropriate school counselors 46928
shall determine any charitable organizations that the career 46929
center hires to provide those services. The career center also may 46930
use the contributions it receives to pay for members of the 46931
faculty of the career center to receive training in providing such 46932
services to the students of the career center. The career center 46933
shall ensure that any charitable organization that is hired by the 46934
career center is exempt from federal income taxation under 46935
subsection 501(c)(3) of the Internal Revenue Code. The career 46936
center shall not use the contributions it receives for any other 46937
purpose. 46938

The registrar shall pay the contributions the registrar 46939
receives pursuant to section 4503.906 of the Revised Code to the 46940
Stow-Munroe Falls city school district. The school district shall 46941
not use the contributions it receives for any political purpose. 46942

The registrar shall pay the contributions the registrar 46943
receives pursuant to section 4503.907 of the Revised Code to the 46944
Twinsburg city school district. The school district shall not use 46945
the contributions it receives for any political purpose. 46946

The registrar shall pay the contributions the registrar 46947
receives pursuant to section 4503.908 of the Revised Code to St. 46948
Xavier high school located in Springfield township in Hamilton 46949
county. The school shall use fifty per cent of the contributions 46950
it receives to provide tuition assistance to its students. The 46951
school shall use the remaining fifty per cent to pay the expenses 46952
it incurs in providing services to the school's students that 46953
assist in developing or maintaining the mental and emotional 46954
well-being of the students. The services provided may include 46955
bereavement counseling, instruction in defensive driving 46956
techniques, sensitivity training, and the counseling and education 46957
of students regarding bullying, dating violence, drug abuse, 46958

suicide prevention, and human trafficking. As a part of providing 46959
such services, the school may pay for members of the faculty of 46960
the school to receive training in providing those services. The 46961
school principal or, in the school principal's discretion, 46962
appropriate school counselors shall determine any charitable 46963
organizations that the school hires to provide those services. The 46964
school shall ensure that any such charitable organization is 46965
exempt from federal income taxation under subsection 501(c)(3) of 46966
the Internal Revenue Code. The school shall not use the 46967
contributions it receives for any other purpose. 46968

The registrar shall pay the contributions the registrar 46969
receives pursuant to section 4503.909 of the Revised Code to the 46970
Grandview Heights city school district, which shall use the 46971
contributions for its gifted programs and special education and 46972
related services. 46973

The registrar shall pay the contributions received pursuant 46974
to section 4503.92 of the Revised Code to support our troops, 46975
incorporated, a national nonprofit corporation, which shall use 46976
those contributions in accordance with its articles of 46977
incorporation and for the benefit of servicemembers of the armed 46978
forces of the United States and their families when they are in 46979
financial need. 46980

The registrar shall pay the contributions received pursuant 46981
to section 4503.931 of the Revised Code to healthy New Albany, 46982
which shall use the contributions for its community programs, 46983
events, and other activities. 46984

The registrar shall pay the contributions the registrar 46985
receives pursuant to section 4503.932 of the Revised Code to 46986
habitat for humanity of Ohio, inc., which shall use the 46987
contributions for its projects related to building affordable 46988
houses. 46989

The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or purchase of the simulated driving curriculum of the Michelle's leading star foundation by boards of education of city, exempted village, local, and joint vocational school districts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.941 of the Revised Code to the Ohio chapter international society of arboriculture, which shall use the money to increase consumer awareness on the importance of proper tree care and to raise funds for the chapter's educational efforts.

The registrar shall pay the contributions received pursuant to section 4503.942 of the Revised Code to zero, the end of prostate cancer, incorporated, a nonprofit organization, which shall use those contributions to raise awareness of prostate cancer, to support research to end prostate cancer, and to support prostate cancer patients and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.944 of the Revised Code to the eastern European congress of Ohio, which shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.945 of the Revised Code to the Summit metro parks foundation, which shall use the money in support of the Summit county metro parks.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.951 of the Revised Code to the Cincinnati city school district.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.952 of the Revised Code to 47021
Hawken school located in northeast Ohio. The school shall use 47022
fifty per cent of the contributions it receives to provide tuition 47023
assistance to its students. The school shall use the remaining 47024
fifty per cent to pay the expenses it incurs in providing services 47025
to the school's students that assist in developing or maintaining 47026
the mental and emotional well-being of the students. The services 47027
provided may include bereavement counseling, instruction in 47028
defensive driving techniques, sensitivity training, and the 47029
counseling and education of students regarding bullying, dating 47030
violence, drug abuse, suicide prevention, and human trafficking. 47031
As a part of providing such services, the school may pay for 47032
members of the faculty of the school to receive training in 47033
providing those services. The school principal or, in the school 47034
principal's discretion, appropriate school counselors shall 47035
determine any charitable organizations that the school hires to 47036
provide those services. The school shall ensure that any such 47037
charitable organization is exempt from federal income taxation 47038
under subsection 501(c)(3) of the Internal Revenue Code. The 47039
school shall not use the contributions it receives for any other 47040
purpose. 47041

The registrar shall pay the contributions the registrar 47042
receives pursuant to section 4503.953 of the Revised Code to 47043
Gilmour academy located in the municipal corporation of Gates 47044
Mills. The school shall use fifty per cent of the contributions it 47045
receives to provide tuition assistance to its students. The school 47046
shall use the remaining fifty per cent to pay the expenses it 47047
incurs in providing services to the school's students that assist 47048
in developing or maintaining the mental and emotional well-being 47049
of the students. The services provided may include bereavement 47050
counseling, instruction in defensive driving techniques, 47051
sensitivity training, and the counseling and education of students 47052
regarding bullying, dating violence, drug abuse, suicide 47053

prevention, and human trafficking. As a part of providing such 47054
services, the school may pay for members of the faculty of the 47055
school to receive training in providing those services. The school 47056
principal or, in the school principal's discretion, appropriate 47057
school counselors shall determine any charitable organizations 47058
that the school hires to provide those services. The school shall 47059
ensure that any such charitable organization is exempt from 47060
federal income taxation under subsection 501(c)(3) of the Internal 47061
Revenue Code. The school shall not use the contributions it 47062
receives for any other purpose. 47063

The registrar shall pay the contributions the registrar 47064
receives pursuant to section 4503.954 of the Revised Code to 47065
University school located in the suburban area near the municipal 47066
corporation of Cleveland. The school shall use fifty per cent of 47067
the contributions it receives to provide tuition assistance to its 47068
students. The school shall use the remaining fifty per cent to pay 47069
the expenses it incurs in providing services to the school's 47070
students that assist in developing or maintaining the mental and 47071
emotional well-being of the students. The services provided may 47072
include bereavement counseling, instruction in defensive driving 47073
techniques, sensitivity training, and the counseling and education 47074
of students regarding bullying, dating violence, drug abuse, 47075
suicide prevention, and human trafficking. As a part of providing 47076
such services, the school may pay for members of the faculty of 47077
the school to receive training in providing those services. The 47078
school principal or, in the school principal's discretion, 47079
appropriate school counselors shall determine any charitable 47080
organizations that the school hires to provide those services. The 47081
school shall ensure that any such charitable organization is 47082
exempt from federal income taxation under subsection 501(c)(3) of 47083
the Internal Revenue Code. The school shall not use the 47084
contributions it receives for any other purpose. 47085

The registrar shall pay the contributions the registrar receives pursuant to section 4503.955 of the Revised Code to Saint Albert the Great school located in North Royalton. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.956 of the Revised Code to the Liberty Center local school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.957 of the Revised Code to John F. Kennedy Catholic school located in Warren. The school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.958 of the Revised Code to Elder 47118
high school located in the municipal corporation of Cincinnati. 47119
The school shall use fifty per cent of the contributions it 47120
receives to provide tuition assistance to its students, 47121
twenty-five per cent of the contributions to benefit arts and 47122
enrichment at the school, and twenty-five per cent of the 47123
contributions to benefit athletics at the school. 47124

The registrar shall pay the contributions the registrar 47125
receives pursuant to section 4503.961 of the Revised Code to 47126
Fairfield senior high school located in the municipal corporation 47127
of Fairfield. The high school shall not use the contributions for 47128
any political purpose. 47129

The registrar shall pay the contributions the registrar 47130
receives pursuant to section 4503.962 of the Revised Code to 47131
Hamilton high school located in the municipal corporation of 47132
Hamilton. The high school shall not use the contributions for any 47133
political purpose. 47134

The registrar shall pay the contributions the registrar 47135
receives pursuant to section 4503.963 of the Revised Code to Ross 47136
high school located in Ross township in Butler county. The high 47137
school shall not use the contributions for any political purpose. 47138

The registrar shall pay the contributions the registrar 47139
receives pursuant to section 4503.97 of the Revised Code to the 47140
friends of united Hatzalah of Israel, which shall use the money to 47141
support united Hatzalah of Israel, which provides free emergency 47142
medical first response throughout Israel. 47143

The registrar shall pay the contributions the registrar 47144
receives pursuant to section 4503.98 of the Revised Code to the 47145
Westerville parks foundation to support the programs and 47146
activities of the foundation and its mission of pursuing the city 47147
of Westerville's vision of becoming "A City Within A Park." 47148

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

An application by a disabled veteran for the reduction under division (B) of section 4503.065 of the Revised Code shall be accompanied by a letter or other written confirmation from the United States department of veterans affairs, or its predecessor or successor agency, showing that the veteran qualifies as a disabled veteran.

An application by the surviving spouse of a public service

officer killed in the line of duty for the reduction under 47180
division (C) of section 4503.065 of the Revised Code shall be 47181
accompanied by a letter or other written confirmation from an 47182
officer or employee of the board of trustees of a retirement or 47183
pension fund in this state or another state or from the chief or 47184
other chief executive of the department, agency, or other employer 47185
for which the public service officer served when killed in the 47186
line of duty affirming that the public service officer was killed 47187
in the line of duty. 47188

(2) Each application shall constitute a continuing 47189
application for a reduction in taxes for each year in which the 47190
manufactured or mobile home is occupied by the applicant. Failure 47191
to receive a new application or notification under division (B) of 47192
this section after an application for reduction has been approved 47193
is prima-facie evidence that the original applicant is entitled to 47194
the reduction calculated on the basis of the information contained 47195
in the original application. The original application and any 47196
subsequent application shall be in the form of a signed statement 47197
and shall be filed on or before the thirty-first day of December 47198
of the year preceding the year for which the reduction is sought. 47199
The statement shall be on a form, devised and supplied by the tax 47200
commissioner, that shall require no more information than is 47201
necessary to establish the applicant's eligibility for the 47202
reduction in taxes and the amount of the reduction to which the 47203
applicant is entitled. The form shall contain a statement that 47204
signing such application constitutes a delegation of authority by 47205
the applicant to the tax commissioner or the county auditor, 47206
individually or in consultation with each other, to examine any 47207
tax or financial records that relate to the income of the 47208
applicant as stated on the application for the purpose of 47209
determining eligibility under, or possible violation of, division 47210
(C) or (D) of this section. The form also shall contain a 47211
statement that conviction of willfully falsifying information to 47212

obtain a reduction in taxes or failing to comply with division (B) 47213
of this section shall result in the revocation of the right to the 47214
reduction for a period of three years. 47215

(3) A late application for a reduction in taxes for the year 47216
preceding the year for which an original application is filed may 47217
be filed with an original application. If the auditor determines 47218
that the information contained in the late application is correct, 47219
the auditor shall determine both the amount of the reduction in 47220
taxes to which the applicant would have been entitled for the 47221
current tax year had the application been timely filed and 47222
approved in the preceding year, and the amount the taxes levied 47223
under section 4503.06 of the Revised Code for the current year 47224
would have been reduced as a result of the reduction. When an 47225
applicant is permanently and totally disabled on the first day of 47226
January of the year in which the applicant files a late 47227
application, the auditor, in making the determination of the 47228
amounts of the reduction in taxes under division (A)(3) of this 47229
section, is not required to determine that the applicant was 47230
permanently and totally disabled on the first day of January of 47231
the preceding year. 47232

The amount of the reduction in taxes pursuant to a late 47233
application shall be treated as an overpayment of taxes by the 47234
applicant. The auditor shall credit the amount of the overpayment 47235
against the amount of the taxes or penalties then due from the 47236
applicant, and, at the next succeeding settlement, the amount of 47237
the credit shall be deducted from the amount of any taxes or 47238
penalties distributable to the county or any taxing unit in the 47239
county that has received the benefit of the taxes or penalties 47240
previously overpaid, in proportion to the benefits previously 47241
received. If, after the credit has been made, there remains a 47242
balance of the overpayment, or if there are no taxes or penalties 47243
due from the applicant, the auditor shall refund that balance to 47244

the applicant by a warrant drawn on the county treasurer in favor 47245
of the applicant. The treasurer shall pay the warrant from the 47246
general fund of the county. If there is insufficient money in the 47247
general fund to make the payment, the treasurer shall pay the 47248
warrant out of any undivided manufactured or mobile home taxes 47249
subsequently received by the treasurer for distribution to the 47250
county or taxing district in the county that received the benefit 47251
of the overpaid taxes, in proportion to the benefits previously 47252
received, and the amount paid from the undivided funds shall be 47253
deducted from the money otherwise distributable to the county or 47254
taxing district in the county at the next or any succeeding 47255
distribution. At the next or any succeeding distribution after 47256
making the refund, the treasurer shall reimburse the general fund 47257
for any payment made from that fund by deducting the amount of 47258
that payment from the money distributable to the county or other 47259
taxing unit in the county that has received the benefit of the 47260
taxes, in proportion to the benefits previously received. On the 47261
second Monday in September of each year, the county auditor shall 47262
certify the total amount of the reductions in taxes made in the 47263
current year under division (A)(3) of this section to the tax 47264
commissioner who shall treat that amount as a reduction in taxes 47265
for the current tax year and shall make reimbursement to the 47266
county of that amount in the manner prescribed in section 4503.068 47267
of the Revised Code, from moneys appropriated for that purpose. 47268

~~(B)~~(B)(1) If in any year for which an application for 47269
reduction in taxes has been approved the owner no longer qualifies 47270
for the reduction, the owner shall notify the county auditor that 47271
the owner is not qualified for a reduction in taxes. 47272

(2) If the county auditor or county treasurer discovers that 47273
an owner not entitled to the reduction in manufactured home taxes 47274
under section 4503.065 of the Revised Code failed to notify the 47275
county auditor as required by division (B)(1) of this section, a 47276

charge shall be imposed against the manufactured or mobile home in 47277
the amount by which taxes were reduced under that section for each 47278
tax year the county auditor ascertains that the manufactured or 47279
mobile home was not entitled to the reduction and was owned by the 47280
current owner. Interest shall accrue in the manner prescribed by 47281
division (G)(2) of section 4503.06 of the Revised Code on the 47282
amount by which taxes were reduced for each such tax year as if 47283
the reduction became delinquent taxes at the close of the last day 47284
the second installment of taxes for that tax year could be paid 47285
without penalty. The county auditor shall notify the owner, by 47286
ordinary mail, of the charge, of the owner's right to appeal the 47287
charge, and of the manner in which the owner may appeal. The owner 47288
may appeal the imposition of the charge and interest by filing an 47289
appeal with the county board of revision not later than the last 47290
day prescribed for payment of manufactured home taxes under 47291
section 4503.06 of the Revised Code following receipt of the 47292
notice and occurring at least ninety days after receipt of the 47293
notice. The appeal shall be treated in the same manner as a 47294
complaint relating to the valuation or assessment of manufactured 47295
or mobile homes under section 5715.19 of the Revised Code. The 47296
charge and any interest shall be collected as other delinquent 47297
taxes. 47298

(3) During January of each year, the county auditor shall 47299
furnish each person whose application for reduction has been 47300
approved, by ordinary mail, a form on which to report any changes 47301
in total income, ownership, occupancy, disability, and other 47302
information earlier furnished the auditor relative to the 47303
application. The form shall be completed and returned to the 47304
auditor not later than the thirty-first day of December if the 47305
changes would affect the person's eligibility for the reduction. 47306

(C) No person shall knowingly make a false statement for the 47307
purpose of obtaining a reduction in taxes under section 4503.065 47308

of the Revised Code. 47309

(D) No person shall knowingly fail to notify the county auditor of any change required by division (B) of this section that has the effect of maintaining or securing a reduction in taxes under section 4503.065 of the Revised Code. 47310
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(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code. 47314
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(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree. 47318
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Sec. 4505.09. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows: 47320
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(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk. 47322
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(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents 47326
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for each duplicate certificate of title. 47339

(c) Four dollars and fifty cents for each certificate of 47340
title with no security interest noted that is issued to a licensed 47341
motor vehicle dealer for resale purposes and, in addition, a 47342
separate fee of fifty cents. The clerk shall retain two dollars 47343
and twenty-five cents of that fee. 47344

(d) Five dollars for each memorandum certificate of title or 47345
non-negotiable evidence of ownership that is applied for 47346
separately. The clerk shall retain that entire fee. 47347

(2) The fees that are not retained by the clerk shall be paid 47348
to the registrar of motor vehicles by monthly returns, which shall 47349
be forwarded to the registrar not later than the fifth day of the 47350
month next succeeding that in which the certificate is issued or 47351
that in which the registrar is notified of a lien or cancellation 47352
of a lien. 47353

(B)(1) The registrar shall pay twenty-five cents of the 47354
amount received for each certificate of title issued to a motor 47355
vehicle dealer for resale, one dollar for certificates of title 47356
issued with a lien or security interest noted on the certificate 47357
of title, and twenty-five cents for each certificate of title with 47358
no lien or security interest noted on the certificate of title 47359
into the public safety - highway purposes fund established in 47360
section 4501.06 of the Revised Code. 47361

(2) Fifty cents of the amount received for each certificate 47362
of title shall be paid by the registrar as follows: 47363

(a) Four cents shall be paid into the state treasury to the 47364
credit of the motor vehicle dealers board fund, which is hereby 47365
created. All investment earnings of the fund shall be credited to 47366
the fund. The moneys in the motor vehicle dealers board fund shall 47367
be used by the motor vehicle dealers board created under section 47368
4517.30 of the Revised Code, together with other moneys 47369

appropriated to it, in the exercise of its powers and the 47370
performance of its duties under Chapter 4517. of the Revised Code, 47371
except that the director of budget and management may transfer 47372
excess money from the motor vehicle dealers board fund to the 47373
public safety - highway purposes fund if the registrar determines 47374
that the amount of money in the motor vehicle dealers board fund, 47375
together with other moneys appropriated to the board, exceeds the 47376
amount required for the exercise of its powers and the performance 47377
of its duties under Chapter 4517. of the Revised Code and requests 47378
the director to make the transfer. 47379

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 47380
highway operating fund created by section 5735.051 of the Revised 47381
Code. 47382

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 47383
treasury to the credit of the motor vehicle sales audit fund, 47384
which is hereby created. The moneys in the fund shall be used by 47385
the tax commissioner together with other funds available to the 47386
commissioner to conduct a continuing investigation of sales and 47387
use tax returns filed for motor vehicles in order to determine if 47388
sales and use tax liability has been satisfied. The commissioner 47389
shall refer cases of apparent violations of section 2921.13 of the 47390
Revised Code made in connection with the titling or sale of a 47391
motor vehicle and cases of any other apparent violations of the 47392
sales or use tax law to the appropriate county prosecutor whenever 47393
the commissioner considers it advisable. 47394

(3) Two dollars of the amount received by the registrar under 47395
divisions (A)(1)(a), (b), and (d) of this section and one dollar 47396
and fifty cents of the amount received by the registrar under 47397
division (A)(1)(c) of this section for each certificate of title 47398
shall be paid into the state treasury to the credit of the 47399
automated title processing fund, which is hereby created and which 47400
shall consist of moneys collected under division (B)(3) of this 47401

section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title processing system for the issuance of motor vehicle, off-highway motorcycle, and all-purpose vehicle certificates of title in the offices of the clerks of the courts of common pleas. Those moneys also shall be used to pay expenses that arise as a result of enabling electronic motor vehicle dealers to directly transfer applications for certificates of title under division (A)(3) of section 4505.06 of the Revised Code.

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting

members of the board. The purpose of the board is to facilitate 47433
the operation and maintenance of an automated title processing 47434
system and approve the procurement of automated title processing 47435
system equipment and ribbons, cartridges, or other devices 47436
necessary for the operation of that equipment. Voting members of 47437
the board, excluding the registrar or the registrar's 47438
representative, shall serve without compensation, but shall be 47439
reimbursed for travel and other necessary expenses incurred in the 47440
conduct of their official duties. The registrar or the registrar's 47441
representative shall receive neither compensation nor 47442
reimbursement as a board member. 47443

(2) The automated title processing board shall determine each 47444
of the following: 47445

(a) The automated title processing equipment and certificates 47446
of title requirements for each county; 47447

(b) The payment of expenses that may be incurred by the 47448
counties in implementing an automated title processing system; 47449

(c) The repayment to the counties for existing title 47450
processing equipment; 47451

(d) With the approval of the director of public safety, the 47452
award of grants from the automated title processing fund to the 47453
clerk of courts of any county who employs a person who assists 47454
with the design of, updates to, tests of, installation of, or any 47455
other activity related to, an automated title processing system. 47456
Any grant awarded under division (C)(2)(d) of this section shall 47457
be deposited into the appropriate county certificate of title 47458
administration fund created under section 325.33 of the Revised 47459
Code and shall not be used to supplant any other funds. 47460

(3) The registrar shall purchase, lease, or otherwise acquire 47461
any automated title processing equipment and certificates of title 47462
that the board determines are necessary from moneys in the 47463

automated title processing fund established by division (B)(3) of 47464
this section. 47465

(D) All counties shall conform to the requirements of the 47466
registrar regarding the operation of their automated title 47467
processing system for motor vehicle titles, certificates of title 47468
for off-highway motorcycles and all-purpose vehicles, and 47469
certificates of title for watercraft and outboard motors. 47470

Sec. 4511.191. (A)(1) As used in this section: 47471

(a) "Physical control" has the same meaning as in section 47472
4511.194 of the Revised Code. 47473

(b) "Alcohol monitoring device" means any device that 47474
provides for continuous alcohol monitoring, any ignition interlock 47475
device, any immobilizing or disabling device other than an 47476
ignition interlock device that is constantly available to monitor 47477
the concentration of alcohol in a person's system, or any other 47478
device that provides for the automatic testing and periodic 47479
reporting of alcohol consumption by a person and that a court 47480
orders a person to use as a sanction imposed as a result of the 47481
person's conviction of or plea of guilty to an offense. 47482

(c) "Community addiction services provider" has the same 47483
meaning as in section 5119.01 of the Revised Code. 47484

(2) Any person who operates a vehicle, streetcar, or 47485
trackless trolley upon a highway or any public or private property 47486
used by the public for vehicular travel or parking within this 47487
state or who is in physical control of a vehicle, streetcar, or 47488
trackless trolley shall be deemed to have given consent to a 47489
chemical test or tests of the person's whole blood, blood serum or 47490
plasma, breath, or urine to determine the alcohol, drug of abuse, 47491
controlled substance, metabolite of a controlled substance, or 47492
combination content of the person's whole blood, blood serum or 47493

plasma, breath, or urine if arrested for a violation of division 47494
(A) or (B) of section 4511.19 of the Revised Code, section 47495
4511.194 of the Revised Code or a substantially equivalent 47496
municipal ordinance, or a municipal OVI ordinance. 47497

(3) The chemical test or tests under division (A)(2) of this 47498
section shall be administered at the request of a law enforcement 47499
officer having reasonable grounds to believe the person was 47500
operating or in physical control of a vehicle, streetcar, or 47501
trackless trolley in violation of a division, section, or 47502
ordinance identified in division (A)(2) of this section. The law 47503
enforcement agency by which the officer is employed shall 47504
designate which of the tests shall be administered. 47505

(4) Any person who is dead or unconscious, or who otherwise 47506
is in a condition rendering the person incapable of refusal, shall 47507
be deemed to have consented as provided in division (A)(2) of this 47508
section, and the test or tests may be administered, subject to 47509
sections 313.12 to 313.16 of the Revised Code. 47510

(5)(a) If a law enforcement officer arrests a person for a 47511
violation of division (A) or (B) of section 4511.19 of the Revised 47512
Code, section 4511.194 of the Revised Code or a substantially 47513
equivalent municipal ordinance, or a municipal OVI ordinance and 47514
if the person if convicted would be required to be sentenced under 47515
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 47516
Code, the law enforcement officer shall request the person to 47517
submit, and the person shall submit, to a chemical test or tests 47518
of the person's whole blood, blood serum or plasma, breath, or 47519
urine for the purpose of determining the alcohol, drug of abuse, 47520
controlled substance, metabolite of a controlled substance, or 47521
combination content of the person's whole blood, blood serum or 47522
plasma, breath, or urine. A law enforcement officer who makes a 47523
request pursuant to this division that a person submit to a 47524
chemical test or tests is not required to advise the person of the 47525

consequences of submitting to, or refusing to submit to, the test 47526
or tests and is not required to give the person the form described 47527
in division (B) of section 4511.192 of the Revised Code, but the 47528
officer shall advise the person at the time of the arrest that if 47529
the person refuses to take a chemical test the officer may employ 47530
whatever reasonable means are necessary to ensure that the person 47531
submits to a chemical test of the person's whole blood or blood 47532
serum or plasma. The officer shall also advise the person at the 47533
time of the arrest that the person may have an independent 47534
chemical test taken at the person's own expense. Divisions (A)(3) 47535
and (4) of this section apply to the administration of a chemical 47536
test or tests pursuant to this division. 47537

(b) If a person refuses to submit to a chemical test upon a 47538
request made pursuant to division (A)(5)(a) of this section, the 47539
law enforcement officer who made the request may employ whatever 47540
reasonable means are necessary to ensure that the person submits 47541
to a chemical test of the person's whole blood or blood serum or 47542
plasma. A law enforcement officer who acts pursuant to this 47543
division to ensure that a person submits to a chemical test of the 47544
person's whole blood or blood serum or plasma is immune from 47545
criminal and civil liability based upon a claim for assault and 47546
battery or any other claim for the acts, unless the officer so 47547
acted with malicious purpose, in bad faith, or in a wanton or 47548
reckless manner. 47549

(B)(1) Upon receipt of the sworn report of a law enforcement 47550
officer who arrested a person for a violation of division (A) or 47551
(B) of section 4511.19 of the Revised Code, section 4511.194 of 47552
the Revised Code or a substantially equivalent municipal 47553
ordinance, or a municipal OVI ordinance that was completed and 47554
sent to the registrar of motor vehicles and a court pursuant to 47555
section 4511.192 of the Revised Code in regard to a person who 47556
refused to take the designated chemical test, the registrar shall 47557

enter into the registrar's records the fact that the person's 47558
driver's or commercial driver's license or permit or nonresident 47559
operating privilege was suspended by the arresting officer under 47560
this division and that section and the period of the suspension, 47561
as determined under this section. The suspension shall be subject 47562
to appeal as provided in section 4511.197 of the Revised Code. The 47563
suspension shall be for whichever of the following periods 47564
applies: 47565

(a) Except when division (B)(1)(b), (c), or (d) of this 47566
section applies and specifies a different class or length of 47567
suspension, the suspension shall be a class C suspension for the 47568
period of time specified in division (B)(3) of section 4510.02 of 47569
the Revised Code. 47570

(b) If the arrested person, within ten years of the date on 47571
which the person refused the request to consent to the chemical 47572
test, had refused one previous request to consent to a chemical 47573
test or had been convicted of or pleaded guilty to one violation 47574
of division (A) or (B) of section 4511.19 of the Revised Code or 47575
one other equivalent offense, the suspension shall be a class B 47576
suspension imposed for the period of time specified in division 47577
(B)(2) of section 4510.02 of the Revised Code. 47578

(c) If the arrested person, within ten years of the date on 47579
which the person refused the request to consent to the chemical 47580
test, had refused two previous requests to consent to a chemical 47581
test, had been convicted of or pleaded guilty to two violations of 47582
division (A) or (B) of section 4511.19 of the Revised Code or 47583
other equivalent offenses, or had refused one previous request to 47584
consent to a chemical test and also had been convicted of or 47585
pleaded guilty to one violation of division (A) or (B) of section 47586
4511.19 of the Revised Code or other equivalent offenses, which 47587
violation or offense arose from an incident other than the 47588
incident that led to the refusal, the suspension shall be a class 47589

A suspension imposed for the period of time specified in division 47590
(B)(1) of section 4510.02 of the Revised Code. 47591

(d) If the arrested person, within ten years of the date on 47592
which the person refused the request to consent to the chemical 47593
test, had refused three or more previous requests to consent to a 47594
chemical test, had been convicted of or pleaded guilty to three or 47595
more violations of division (A) or (B) of section 4511.19 of the 47596
Revised Code or other equivalent offenses, or had refused a number 47597
of previous requests to consent to a chemical test and also had 47598
been convicted of or pleaded guilty to a number of violations of 47599
division (A) or (B) of section 4511.19 of the Revised Code or 47600
other equivalent offenses that cumulatively total three or more 47601
such refusals, convictions, and guilty pleas, the suspension shall 47602
be for five years. 47603

(2) The registrar shall terminate a suspension of the 47604
driver's or commercial driver's license or permit of a resident or 47605
of the operating privilege of a nonresident, or a denial of a 47606
driver's or commercial driver's license or permit, imposed 47607
pursuant to division (B)(1) of this section upon receipt of notice 47608
that the person has entered a plea of guilty to, or that the 47609
person has been convicted after entering a plea of no contest to, 47610
operating a vehicle in violation of section 4511.19 of the Revised 47611
Code or in violation of a municipal OVI ordinance, if the offense 47612
for which the conviction is had or the plea is entered arose from 47613
the same incident that led to the suspension or denial. 47614

The registrar shall credit against any judicial suspension of 47615
a person's driver's or commercial driver's license or permit or 47616
nonresident operating privilege imposed pursuant to section 47617
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 47618
Revised Code for a violation of a municipal OVI ordinance, any 47619
time during which the person serves a related suspension imposed 47620
pursuant to division (B)(1) of this section. 47621

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

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

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of

the Revised Code if the person has been convicted of or pleaded
guilty to, within ten years of the date the test was conducted,
one violation of division (A) or (B) of section 4511.19 of the
Revised Code or one other equivalent offense.

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

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

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

The registrar shall credit against any judicial suspension of
a person's driver's or commercial driver's license or permit or
nonresident operating privilege imposed pursuant to section
4511.19 of the Revised Code, or pursuant to section 4510.07 of the
Revised Code for a violation of a municipal OVI ordinance, any

time during which the person serves a related suspension imposed 47686
pursuant to division (C)(1) of this section. 47687

(D)(1) A suspension of a person's driver's or commercial 47688
driver's license or permit or nonresident operating privilege 47689
under this section for the time described in division (B) or (C) 47690
of this section is effective immediately from the time at which 47691
the arresting officer serves the notice of suspension upon the 47692
arrested person. Any subsequent finding that the person is not 47693
guilty of the charge that resulted in the person being requested 47694
to take the chemical test or tests under division (A) of this 47695
section does not affect the suspension. 47696

(2) If a person is arrested for operating a vehicle, 47697
streetcar, or trackless trolley in violation of division (A) or 47698
(B) of section 4511.19 of the Revised Code or a municipal OVI 47699
ordinance, or for being in physical control of a vehicle, 47700
streetcar, or trackless trolley in violation of section 4511.194 47701
of the Revised Code or a substantially equivalent municipal 47702
ordinance, regardless of whether the person's driver's or 47703
commercial driver's license or permit or nonresident operating 47704
privilege is or is not suspended under division (B) or (C) of this 47705
section or Chapter 4510. of the Revised Code, the person's initial 47706
appearance on the charge resulting from the arrest shall be held 47707
within five days of the person's arrest or the issuance of the 47708
citation to the person, subject to any continuance granted by the 47709
court pursuant to section 4511.197 of the Revised Code regarding 47710
the issues specified in that division. 47711

(E) When it finally has been determined under the procedures 47712
of this section and sections 4511.192 to 4511.197 of the Revised 47713
Code that a nonresident's privilege to operate a vehicle within 47714
this state has been suspended, the registrar shall give 47715
information in writing of the action taken to the motor vehicle 47716
administrator of the state of the person's residence and of any 47717

state in which the person has a license. 47718

(F) At the end of a suspension period under this section, 47719
under section 4511.194, section 4511.196, or division (G) of 47720
section 4511.19 of the Revised Code, or under section 4510.07 of 47721
the Revised Code for a violation of a municipal OVI ordinance and 47722
upon the request of the person whose driver's or commercial 47723
driver's license or permit was suspended and who is not otherwise 47724
subject to suspension, cancellation, or disqualification, the 47725
registrar shall return the driver's or commercial driver's license 47726
or permit to the person upon the occurrence of all of the 47727
conditions specified in divisions (F)(1) and (2) of this section: 47728

(1) A showing that the person has proof of financial 47729
responsibility, a policy of liability insurance in effect that 47730
meets the minimum standards set forth in section 4509.51 of the 47731
Revised Code, or proof, to the satisfaction of the registrar, that 47732
the person is able to respond in damages in an amount at least 47733
equal to the minimum amounts specified in section 4509.51 of the 47734
Revised Code. 47735

(2) Subject to the limitation contained in division (F)(3) of 47736
this section, payment by the person to the registrar or an 47737
eligible deputy registrar of a license reinstatement fee of four 47738
hundred seventy-five dollars, which fee shall be deposited in the 47739
state treasury and credited as follows: 47740

(a) One hundred twelve dollars and fifty cents shall be 47741
credited to the statewide treatment and prevention fund created by 47742
section 4301.30 of the Revised Code. Money credited to the fund 47743
under this section shall be used for purposes identified under 47744
section 5119.22 of the Revised Code. 47745

(b) Seventy-five dollars shall be credited to the reparations 47746
fund created by section 2743.191 of the Revised Code. 47747

(c) Thirty-seven dollars and fifty cents shall be credited to 47748

the indigent drivers alcohol treatment fund, which is hereby 47749
established in the state treasury. The department of mental health 47750
and addiction services shall distribute the moneys in that fund to 47751
the county indigent drivers alcohol treatment funds, the county 47752
juvenile indigent drivers alcohol treatment funds, and the 47753
municipal indigent drivers alcohol treatment funds that are 47754
required to be established by counties and municipal corporations 47755
pursuant to division (H) of this section to be used only as 47756
provided in division (H)(3) of this section. Moneys in the fund 47757
that are not distributed to a county indigent drivers alcohol 47758
treatment fund, a county juvenile indigent drivers alcohol 47759
treatment fund, or a municipal indigent drivers alcohol treatment 47760
fund under division (H) of this section because the director of 47761
mental health and addiction services does not have the information 47762
necessary to identify the county or municipal corporation where 47763
the offender or juvenile offender was arrested may be transferred 47764
by the director of budget and management to the statewide 47765
treatment and prevention fund created by section 4301.30 of the 47766
Revised Code, upon certification of the amount by the director of 47767
mental health and addiction services. 47768

(d) Seventy-five dollars shall be credited to the 47769
opportunities for Ohioans with disabilities agency established by 47770
section 3304.15 of the Revised Code, to the services for 47771
rehabilitation fund, which is hereby established. The fund shall 47772
be used to match available federal matching funds where 47773
appropriate, and for any other purpose or program of the agency to 47774
rehabilitate persons with disabilities to help them become 47775
employed and independent. 47776

(e) Seventy-five dollars shall be deposited into the state 47777
treasury and credited to the drug abuse resistance education 47778
programs fund, which is hereby established, to be used by the 47779
attorney general for the purposes specified in division (F)(4) of 47780

this section. 47781

(f) Thirty dollars shall be credited to the public safety - 47782
highway purposes fund created by section 4501.06 of the Revised 47783
Code. 47784

(g) Twenty dollars shall be credited to the trauma and 47785
emergency medical services fund created by section 4513.263 of the 47786
Revised Code. 47787

(h) Fifty dollars shall be credited to the indigent drivers 47788
interlock and alcohol monitoring fund, which is hereby established 47789
in the state treasury. Moneys in the fund shall be distributed by 47790
the department of public safety to the county indigent drivers 47791
interlock and alcohol monitoring funds, the county juvenile 47792
indigent drivers interlock and alcohol monitoring funds, and the 47793
municipal indigent drivers interlock and alcohol monitoring funds 47794
that are required to be established by counties and municipal 47795
corporations pursuant to this section, and shall be used only to 47796
pay the cost of an immobilizing or disabling device, including a 47797
certified ignition interlock device, or an alcohol monitoring 47798
device used by an offender or juvenile offender who is ordered to 47799
use the device by a county, juvenile, or municipal court judge and 47800
who is determined by the county, juvenile, or municipal court 47801
judge not to have the means to pay for the person's use of the 47802
device. 47803

(3) If a person's driver's or commercial driver's license or 47804
permit is suspended under this section, under section 4511.196 or 47805
division (G) of section 4511.19 of the Revised Code, under section 47806
4510.07 of the Revised Code for a violation of a municipal OVI 47807
ordinance or under any combination of the suspensions described in 47808
division (F)(3) of this section, and if the suspensions arise from 47809
a single incident or a single set of facts and circumstances, the 47810
person is liable for payment of, and shall be required to pay to 47811
the registrar or an eligible deputy registrar, only one 47812

reinstatement fee of four hundred seventy-five dollars. The 47813
reinstatement fee shall be distributed by the bureau in accordance 47814
with division (F)(2) of this section. 47815

(4) The attorney general shall use amounts in the drug abuse 47816
resistance education programs fund to award grants to law 47817
enforcement agencies to establish and implement drug abuse 47818
resistance education programs in public schools. Grants awarded to 47819
a law enforcement agency under this section shall be used by the 47820
agency to pay for not more than fifty per cent of the amount of 47821
the salaries of law enforcement officers who conduct drug abuse 47822
resistance education programs in public schools. The attorney 47823
general shall not use more than six per cent of the amounts the 47824
attorney general's office receives under division (F)(2)(e) of 47825
this section to pay the costs it incurs in administering the grant 47826
program established by division (F)(2)(e) of this section and in 47827
providing training and materials relating to drug abuse resistance 47828
education programs. 47829

The attorney general shall report to the governor and the 47830
general assembly each fiscal year on the progress made in 47831
establishing and implementing drug abuse resistance education 47832
programs. These reports shall include an evaluation of the 47833
effectiveness of these programs. 47834

(5) In addition to the reinstatement fee under this section, 47835
if the person pays the reinstatement fee to a deputy registrar, 47836
the deputy registrar shall collect a service fee of ten dollars to 47837
compensate the deputy registrar for services performed under this 47838
section. The deputy registrar shall retain eight dollars of the 47839
service fee and shall transmit the reinstatement fee, plus two 47840
dollars of the service fee, to the registrar in the manner the 47841
registrar shall determine. 47842

(G) Suspension of a commercial driver's license under 47843
division (B) or (C) of this section shall be concurrent with any 47844

period of disqualification under section 3123.611 or 4506.16 of 47845
the Revised Code or any period of suspension under section 3123.58 47846
of the Revised Code. No person who is disqualified for life from 47847
holding a commercial driver's license under section 4506.16 of the 47848
Revised Code shall be issued a driver's license under Chapter 47849
4507. of the Revised Code during the period for which the 47850
commercial driver's license was suspended under division (B) or 47851
(C) of this section. No person whose commercial driver's license 47852
is suspended under division (B) or (C) of this section shall be 47853
issued a driver's license under Chapter 4507. of the Revised Code 47854
during the period of the suspension. 47855

(H)(1) Each county shall establish an indigent drivers 47856
alcohol treatment fund and a juvenile indigent drivers alcohol 47857
treatment fund. Each municipal corporation in which there is a 47858
municipal court shall establish an indigent drivers alcohol 47859
treatment fund. All revenue that the general assembly appropriates 47860
to the indigent drivers alcohol treatment fund for transfer to a 47861
county indigent drivers alcohol treatment fund, a county juvenile 47862
indigent drivers alcohol treatment fund, or a municipal indigent 47863
drivers alcohol treatment fund, all portions of fees that are paid 47864
under division (F) of this section and that are credited under 47865
that division to the indigent drivers alcohol treatment fund in 47866
the state treasury for a county indigent drivers alcohol treatment 47867
fund, a county juvenile indigent drivers alcohol treatment fund, 47868
or a municipal indigent drivers alcohol treatment fund, all 47869
portions of additional costs imposed under section 2949.094 of the 47870
Revised Code that are specified for deposit into a county, county 47871
juvenile, or municipal indigent drivers alcohol treatment fund by 47872
that section, and all portions of fines that are specified for 47873
deposit into a county or municipal indigent drivers alcohol 47874
treatment fund by section 4511.193 of the Revised Code shall be 47875
deposited into that county indigent drivers alcohol treatment 47876
fund, county juvenile indigent drivers alcohol treatment fund, or 47877

municipal indigent drivers alcohol treatment fund. The portions of 47878
the fees paid under division (F) of this section that are to be so 47879
deposited shall be determined in accordance with division (H)(2) 47880
of this section. Additionally, all portions of fines that are paid 47881
for a violation of section 4511.19 of the Revised Code or of any 47882
prohibition contained in Chapter 4510. of the Revised Code, and 47883
that are required under section 4511.19 or any provision of 47884
Chapter 4510. of the Revised Code to be deposited into a county 47885
indigent drivers alcohol treatment fund or municipal indigent 47886
drivers alcohol treatment fund shall be deposited into the 47887
appropriate fund in accordance with the applicable division of the 47888
section or provision. 47889

(2) That portion of the license reinstatement fee that is 47890
paid under division (F) of this section and that is credited under 47891
that division to the indigent drivers alcohol treatment fund shall 47892
be deposited into a county indigent drivers alcohol treatment 47893
fund, a county juvenile indigent drivers alcohol treatment fund, 47894
or a municipal indigent drivers alcohol treatment fund as follows: 47895

(a) Regarding a suspension imposed under this section, that 47896
portion of the fee shall be deposited as follows: 47897

(i) If the fee is paid by a person who was charged in a 47898
county court with the violation that resulted in the suspension or 47899
in the imposition of the court costs, the portion shall be 47900
deposited into the county indigent drivers alcohol treatment fund 47901
under the control of that court; 47902

(ii) If the fee is paid by a person who was charged in a 47903
juvenile court with the violation that resulted in the suspension 47904
or in the imposition of the court costs, the portion shall be 47905
deposited into the county juvenile indigent drivers alcohol 47906
treatment fund established in the county served by the court; 47907

(iii) If the fee is paid by a person who was charged in a 47908

municipal court with the violation that resulted in the suspension 47909
or in the imposition of the court costs, the portion shall be 47910
deposited into the municipal indigent drivers alcohol treatment 47911
fund under the control of that court. 47912

(b) Regarding a suspension imposed under section 4511.19 of 47913
the Revised Code or under section 4510.07 of the Revised Code for 47914
a violation of a municipal OVI ordinance, that portion of the fee 47915
shall be deposited as follows: 47916

(i) If the fee is paid by a person whose license or permit 47917
was suspended by a county court, the portion shall be deposited 47918
into the county indigent drivers alcohol treatment fund under the 47919
control of that court; 47920

(ii) If the fee is paid by a person whose license or permit 47921
was suspended by a municipal court, the portion shall be deposited 47922
into the municipal indigent drivers alcohol treatment fund under 47923
the control of that court. 47924

(3)(a) As used in division (H)(3) of this section, "indigent 47925
person" means a person who is convicted of a violation of division 47926
(A) or (B) of section 4511.19 of the Revised Code or a 47927
substantially similar municipal ordinance or found to be a 47928
juvenile traffic offender by reason of a violation of division (A) 47929
or (B) of section 4511.19 of the Revised Code or a substantially 47930
similar municipal ordinance, who is ordered by the court to attend 47931
an alcohol and drug addiction treatment program, and who is 47932
determined by the court under division (H)(5) of this section to 47933
be unable to pay the cost of the assessment or the cost of 47934
attendance at the treatment program. 47935

(b) A county, juvenile, or municipal court judge, by order, 47936
may make expenditures from a county indigent drivers alcohol 47937
treatment fund, a county juvenile indigent drivers alcohol 47938
treatment fund, or a municipal indigent drivers alcohol treatment 47939

fund with respect to an indigent person for any of the following: 47940

(i) To pay the cost of an assessment that is conducted by an 47941
appropriately licensed clinician at either a driver intervention 47942
program that is certified under section 5119.38 of the Revised 47943
Code or at a community addiction services provider whose alcohol 47944
and drug addiction services are certified under section 5119.36 of 47945
the Revised Code; 47946

(ii) To pay the cost of alcohol addiction services, drug 47947
addiction services, or integrated alcohol and drug addiction 47948
services at a community addiction services provider whose alcohol 47949
and drug addiction services are certified under section 5119.36 of 47950
the Revised Code; 47951

(iii) To pay the cost of transportation to attend an 47952
assessment as provided under division (H)(3)(b)(i) of this section 47953
or addiction services as provided under division (H)(3)(b)(ii) of 47954
this section. 47955

The alcohol and drug addiction services board or the board of 47956
alcohol, drug addiction, and mental health services established 47957
pursuant to section 340.02 or 340.021 of the Revised Code and 47958
serving the alcohol, drug addiction, and mental health service 47959
district in which the court is located shall administer the 47960
indigent drivers alcohol treatment program of the court. When a 47961
court orders an offender or juvenile traffic offender to obtain an 47962
assessment or attend an alcohol and drug addiction treatment 47963
program, the board shall determine which program is suitable to 47964
meet the needs of the offender or juvenile traffic offender, and 47965
when a suitable program is located and space is available at the 47966
program, the offender or juvenile traffic offender shall attend 47967
the program designated by the board. A reasonable amount not to 47968
exceed five per cent of the amounts credited to and deposited into 47969
the county indigent drivers alcohol treatment fund, the county 47970
juvenile indigent drivers alcohol treatment fund, or the municipal 47971

indigent drivers alcohol treatment fund serving every court whose 47972
program is administered by that board shall be paid to the board 47973
to cover the costs it incurs in administering those indigent 47974
drivers alcohol treatment programs. 47975

(c) Upon exhaustion of moneys in the indigent drivers 47976
interlock and alcohol monitoring fund for the use of an alcohol 47977
monitoring device, a county, juvenile, or municipal court judge 47978
may use moneys in the county indigent drivers alcohol treatment 47979
fund, county juvenile indigent drivers alcohol treatment fund, or 47980
municipal indigent drivers alcohol treatment fund in either of the 47981
following manners: 47982

(i) If the source of the moneys was an appropriation of the 47983
general assembly, a portion of a fee that was paid under division 47984
(F) of this section, a portion of a fine that was specified for 47985
deposit into the fund by section 4511.193 of the Revised Code, or 47986
a portion of a fine that was paid for a violation of section 47987
4511.19 of the Revised Code or of a provision contained in Chapter 47988
4510. of the Revised Code that was required to be deposited into 47989
the fund, to pay for the continued use of an alcohol monitoring 47990
device by an offender or juvenile traffic offender, in conjunction 47991
with a treatment program approved by the department of mental 47992
health and addiction services, when such use is determined 47993
clinically necessary by the treatment program and when the court 47994
determines that the offender or juvenile traffic offender is 47995
unable to pay all or part of the daily monitoring or cost of the 47996
device; 47997

(ii) If the source of the moneys was a portion of an 47998
additional court cost imposed under section 2949.094 of the 47999
Revised Code, to pay for the continued use of an alcohol 48000
monitoring device by an offender or juvenile traffic offender when 48001
the court determines that the offender or juvenile traffic 48002
offender is unable to pay all or part of the daily monitoring or 48003

cost of the device. The moneys may be used for a device as 48004
described in this division if the use of the device is in 48005
conjunction with a treatment program approved by the department of 48006
mental health and addiction services, when the use of the device 48007
is determined clinically necessary by the treatment program, but 48008
the use of a device is not required to be in conjunction with a 48009
treatment program approved by the department in order for the 48010
moneys to be used for the device as described in this division. 48011

(4) If a county, juvenile, or municipal court determines, in 48012
consultation with the alcohol and drug addiction services board or 48013
the board of alcohol, drug addiction, and mental health services 48014
established pursuant to section 340.02 or 340.021 of the Revised 48015
Code and serving the alcohol, drug addiction, and mental health 48016
district in which the court is located, that the funds in the 48017
county indigent drivers alcohol treatment fund, the county 48018
juvenile indigent drivers alcohol treatment fund, or the municipal 48019
indigent drivers alcohol treatment fund under the control of the 48020
court are more than sufficient to satisfy the purpose for which 48021
the fund was established, as specified in divisions (H)(1) to (3) 48022
of this section, the court may declare a surplus in the fund. If 48023
the court declares a surplus in the fund, the court may take ~~any~~ 48024
one or more of the following actions with regard to the amount of 48025
the surplus in the fund: 48026

(a) Expend any of the surplus amount for alcohol and drug 48027
abuse assessment and treatment, and for the cost of transportation 48028
related to assessment and treatment, of persons who are charged in 48029
the court with committing a criminal offense or with being a 48030
delinquent child or juvenile traffic offender and in relation to 48031
whom both of the following apply: 48032

(i) The court determines that substance abuse was a 48033
contributing factor leading to the criminal or delinquent activity 48034
or the juvenile traffic offense with which the person is charged. 48035

(ii) The court determines that the person is unable to pay 48036
the cost of the alcohol and drug abuse assessment and treatment 48037
for which the surplus money will be used. 48038

(b) Expend any of the surplus amount to pay all or part of 48039
the cost of purchasing alcohol monitoring devices to be used in 48040
conjunction with division (H)(3)(c) of this section, upon 48041
exhaustion of moneys in the indigent drivers interlock and alcohol 48042
monitoring fund for the use of an alcohol monitoring device. 48043

(c) Transfer to another court in the same county any of the 48044
surplus amount to be utilized in a manner consistent with division 48045
(H)(3) of this section. If surplus funds are transferred to 48046
another court, the court that transfers the funds shall notify the 48047
alcohol and drug addiction services board or the board of alcohol, 48048
drug addiction, and mental health services that serves the 48049
alcohol, drug addiction, and mental health service district in 48050
which that court is located. 48051

(d) Transfer to the alcohol and drug addiction services board 48052
or the board of alcohol, drug addiction, and mental health 48053
services that serves the alcohol, drug addiction, and mental 48054
health service district in which the court is located any of the 48055
surplus amount to be utilized in a manner consistent with division 48056
(H)(3) of this section or for board contracted recovery support 48057
services. 48058

(e) Expend any of the surplus amount for the cost of 48059
staffing, equipment, training, drug testing, supplies, and other 48060
expenses of any specialized docket program established within the 48061
court and certified by the supreme court. 48062

(5) In order to determine if an offender does not have the 48063
means to pay for the offender's attendance at an alcohol and drug 48064
addiction treatment program for purposes of division (H)(3) of 48065
this section or if an alleged offender or delinquent child is 48066

unable to pay the costs specified in division (H)(4) of this 48067
section, the court shall use the indigent client eligibility 48068
guidelines and the standards of indigency established by the state 48069
public defender to make the determination. 48070

(6) The court shall identify and refer any community 48071
addiction services provider that intends to provide alcohol and 48072
drug addiction services and has not had its alcohol and drug 48073
addiction services certified under section 5119.36 of the Revised 48074
Code and that is interested in receiving amounts from the surplus 48075
in the fund declared under division (H)(4) of this section to the 48076
department of mental health and addiction services in order for 48077
the community addiction services provider to have its alcohol and 48078
drug addiction services certified by the department. The 48079
department shall keep a record of applicant referrals received 48080
pursuant to this division and shall submit a report on the 48081
referrals each year to the general assembly. If a community 48082
addiction services provider interested in having its alcohol and 48083
drug addiction services certified makes an application pursuant to 48084
section 5119.36 of the Revised Code, the community addiction 48085
services provider is eligible to receive surplus funds as long as 48086
the application is pending with the department. The department of 48087
mental health and addiction services must offer technical 48088
assistance to the applicant. If the interested community addiction 48089
services provider withdraws the certification application, the 48090
department must notify the court, and the court shall not provide 48091
the interested community addiction services provider with any 48092
further surplus funds. 48093

(7)(a) Each alcohol and drug addiction services board and 48094
board of alcohol, drug addiction, and mental health services 48095
established pursuant to section 340.02 or 340.021 of the Revised 48096
Code shall submit to the department of mental health and addiction 48097
services an annual report for each indigent drivers alcohol 48098

treatment fund in that board's area. 48099

(b) The report, which shall be submitted not later than sixty 48100
days after the end of the state fiscal year, shall provide the 48101
total payment that was made from the fund, including the number of 48102
indigent consumers that received treatment services and the number 48103
of indigent consumers that received an alcohol monitoring device. 48104
The report shall identify the treatment program and expenditure 48105
for an alcohol monitoring device for which that payment was made. 48106
The report shall include the fiscal year balance of each indigent 48107
drivers alcohol treatment fund located in that board's area. In 48108
the event that a surplus is declared in the fund pursuant to 48109
division (H)(4) of this section, the report also shall provide the 48110
total payment that was made from the surplus moneys and identify 48111
the authorized purpose for which that payment was made. 48112

(c) If a board is unable to obtain adequate information to 48113
develop the report to submit to the department for a particular 48114
indigent drivers alcohol treatment fund, the board shall submit a 48115
report detailing the effort made in obtaining the information. 48116

(I)(1) Each county shall establish an indigent drivers 48117
interlock and alcohol monitoring fund and a juvenile indigent 48118
drivers interlock and alcohol treatment fund. Each municipal 48119
corporation in which there is a municipal court shall establish an 48120
indigent drivers interlock and alcohol monitoring fund. All 48121
revenue that the general assembly appropriates to the indigent 48122
drivers interlock and alcohol monitoring fund for transfer to a 48123
county indigent drivers interlock and alcohol monitoring fund, a 48124
county juvenile indigent drivers interlock and alcohol monitoring 48125
fund, or a municipal indigent drivers interlock and alcohol 48126
monitoring fund, all portions of license reinstatement fees that 48127
are paid under division (F)(2) of this section and that are 48128
credited under that division to the indigent drivers interlock and 48129
alcohol monitoring fund in the state treasury, and all portions of 48130

48131 fines that are paid under division (G) of section 4511.19 of the
48132 Revised Code and that are credited by division (G)(5)(e) of that
48133 section to the indigent drivers interlock and alcohol monitoring
48134 fund in the state treasury shall be deposited in the appropriate
48135 fund in accordance with division (I)(2) of this section.

48136 (2) That portion of the license reinstatement fee that is
48137 paid under division (F) of this section and that portion of the
48138 fine paid under division (G) of section 4511.19 of the Revised
48139 Code and that is credited under either division to the indigent
48140 drivers interlock and alcohol monitoring fund shall be deposited
48141 into a county indigent drivers interlock and alcohol monitoring
48142 fund, a county juvenile indigent drivers interlock and alcohol
48143 monitoring fund, or a municipal indigent drivers interlock and
48144 alcohol monitoring fund as follows:

48145 (a) If the fee or fine is paid by a person who was charged in
48146 a county court with the violation that resulted in the suspension
48147 or fine, the portion shall be deposited into the county indigent
48148 drivers interlock and alcohol monitoring fund under the control of
48149 that court.

48150 (b) If the fee or fine is paid by a person who was charged in
48151 a juvenile court with the violation that resulted in the
48152 suspension or fine, the portion shall be deposited into the county
48153 juvenile indigent drivers interlock and alcohol monitoring fund
48154 established in the county served by the court.

48155 (c) If the fee or fine is paid by a person who was charged in
48156 a municipal court with the violation that resulted in the
48157 suspension, the portion shall be deposited into the municipal
48158 indigent drivers interlock and alcohol monitoring fund under the
48159 control of that court.

48160 (3) If a county, juvenile, or municipal court determines that
48161 the funds in the county indigent drivers interlock and alcohol

monitoring fund, the county juvenile indigent drivers interlock 48162
and alcohol monitoring fund, or the municipal indigent drivers 48163
interlock and alcohol monitoring fund under the control of that 48164
court are more than sufficient to satisfy the purpose for which 48165
the fund was established as specified in division (F)(2)(h) of 48166
this section, the court may declare a surplus in the fund. The 48167
court then may order the transfer of a specified amount into the 48168
county indigent drivers alcohol treatment fund, the county 48169
juvenile indigent drivers alcohol treatment fund, or the municipal 48170
indigent drivers alcohol treatment fund under the control of that 48171
court to be utilized in accordance with division (H) of this 48172
section. 48173

Sec. 4715.36. As used in this section and sections 4715.361 48174
to 4715.374 of the Revised Code: 48175

(A) "Accredited dental hygiene school" means a dental hygiene 48176
school accredited by the American dental association commission on 48177
dental accreditation or a dental hygiene school whose educational 48178
standards are recognized by the American dental association 48179
commission on dental accreditation and approved by the state 48180
dental board. 48181

(B) "Authorizing dentist" means a dentist who authorizes a 48182
dental hygienist to perform dental hygiene services under section 48183
4715.365 of the Revised Code. 48184

(C) "Clinical evaluation" means a diagnosis and treatment 48185
plan formulated for an individual patient by a dentist. 48186

(D) "Dentist" means an individual licensed under this chapter 48187
to practice dentistry. 48188

(E) "Dental hygienist" means an individual licensed under 48189
this chapter to practice as a dental hygienist. 48190

(F) "Dental hygiene services" means the prophylactic, 48191

preventive, and other procedures that dentists are authorized by 48192
this chapter and rules of the state dental board to assign to 48193
dental hygienists, except for procedures while a patient is 48194
anesthetized, definitive root planing, definitive subgingival 48195
curettage, the administration of local anesthesia, and the 48196
procedures specified in rules adopted by the board as described in 48197
division (C)(3) of section 4715.22 of the Revised Code. 48198

(G) "Facility" means any of the following: 48199

(1) A health care facility, as defined in section 4715.22 of 48200
the Revised Code; 48201

(2) A state correctional institution, as defined in section 48202
2967.01 of the Revised Code; 48203

(3) A comprehensive child development program that receives 48204
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 48205
42 U.S.C. 9831, as amended, and is licensed as a child day-care 48206
center; 48207

(4) A residential facility licensed under section 5123.19 of 48208
the Revised Code; 48209

(5) A public school, as defined in section 3701.93 of the 48210
Revised Code, located in an area designated as a dental health 48211
resource shortage area pursuant to section 3702.87 of the Revised 48212
Code; 48213

(6) A nonpublic school, as defined in section 3701.93 of the 48214
Revised Code, located in an area designated as a dental health 48215
resource shortage area pursuant to section 3702.87 of the Revised 48216
Code; 48217

(7) A federally qualified health center or federally 48218
qualified health center look-alike, as defined in section 3701.047 48219
of the Revised Code; 48220

(8) A shelter for victims of domestic violence, as defined in 48221

section 3113.33 of the Revised Code;	48222
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	48223 48224
(10) A foster home, as defined in section 5103.02 of the Revised Code;	48225 48226
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	48227 48228
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3701.881 <u>3740.11</u> of the Revised Code;	48229 48230 48231
(13) A dispensary;	48232
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	48233 48234
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	48235 48236 48237
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	48238 48239 48240
(17) A women, infants, and children clinic;	48241
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	48242 48243 48244
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	48245 48246 48247 48248 48249 48250 48251

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 48252
the Revised Code: 48253

(1) "Affiliate" means a business entity that is owned by, 48254
operated by, controlled by, or under common control with another 48255
business entity. 48256

(2) "Communication" means a written or oral notification or 48257
advertisement that meets both of the following criteria, as 48258
applicable: 48259

(a) The notification or advertisement is transmitted by or on 48260
behalf of the seller of goods or services and by or through any 48261
printed, audio, video, cinematic, telephonic, or electronic means. 48262

(b) In the case of a notification or advertisement other than 48263
by telephone, either of the following conditions is met: 48264

(i) The notification or advertisement is followed by a 48265
telephone call from a telephone solicitor or salesperson. 48266

(ii) The notification or advertisement invites a response by 48267
telephone, and, during the course of that response, a telephone 48268
solicitor or salesperson attempts to make or makes a sale of goods 48269
or services. As used in division (A)(2)(b)(ii) of this section, 48270
"invites a response by telephone" excludes the mere listing or 48271
inclusion of a telephone number in a notification or 48272
advertisement. 48273

(3) "Gift, award, or prize" means anything of value that is 48274
offered or purportedly offered, or given or purportedly given by 48275
chance, at no cost to the receiver and with no obligation to 48276
purchase goods or services. As used in this division, "chance" 48277
includes a situation in which a person is guaranteed to receive an 48278
item and, at the time of the offer or purported offer, the 48279
telephone solicitor does not identify the specific item that the 48280
person will receive. 48281

(4) "Goods or services" means any real property or any 48282
tangible or intangible personal property, or services of any kind 48283
provided or offered to a person. "Goods or services" includes, but 48284
is not limited to, advertising; labor performed for the benefit of 48285
a person; personal property intended to be attached to or 48286
installed in any real property, regardless of whether it is so 48287
attached or installed; timeshare estates or licenses; and extended 48288
service contracts. 48289

(5) "Purchaser" means a person that is solicited to become or 48290
does become financially obligated as a result of a telephone 48291
solicitation. 48292

(6) "Salesperson" means an individual who is employed, 48293
appointed, or authorized by a telephone solicitor to make 48294
telephone solicitations but does not mean any of the following: 48295

(a) An individual who comes within one of the exemptions in 48296
division (B) of this section; 48297

(b) An individual employed, appointed, or authorized by a 48298
person who comes within one of the exemptions in division (B) of 48299
this section; 48300

(c) An individual under a written contract with a person who 48301
comes within one of the exemptions in division (B) of this 48302
section, if liability for all transactions with purchasers is 48303
assumed by the person so exempted. 48304

(7) "Telephone solicitation" means a communication to a 48305
person that meets both of the following criteria: 48306

(a) The communication is initiated by or on behalf of a 48307
telephone solicitor or by a salesperson. 48308

(b) The communication either represents a price or the 48309
quality or availability of goods or services or is used to induce 48310
the person to purchase goods or services, including, but not 48311

limited to, inducement through the offering of a gift, award, or prize. 48312
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(8) "Telephone solicitor" means a person that engages in telephone solicitation directly or through one or more salespersons either from a location in this state, or from a location outside this state to persons in this state. "Telephone solicitor" includes, but is not limited to, any such person that is an owner, operator, officer, or director of, partner in, or other individual engaged in the management activities of, a business. 48314
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(B) A telephone solicitor is exempt from the provisions of sections 4719.02 to 4719.18 and section 4719.99 of the Revised Code if the telephone solicitor is any one of the following: 48322
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(1) A person engaging in a telephone solicitation that is a one-time or infrequent transaction not done in the course of a pattern of repeated transactions of a like nature; 48325
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(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code; 48328
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(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply. 48335
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(4) A licensed securities, commodities, or investment broker, 48343
dealer, investment advisor, or associated person when making a 48344
telephone solicitation within the scope of the person's license. 48345
As used in division (B)(4) of this section, "licensed securities, 48346
commodities, or investment broker, dealer, investment advisor, or 48347
associated person" means a person subject to licensure or 48348
registration as such by the securities and exchange commission; 48349
the National Association of Securities Dealers or other 48350
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 48351
the division of securities under Chapter 1707. of the Revised 48352
Code; or by an official or agency of any other state of the United 48353
States. 48354

(5)(a) A person primarily engaged in soliciting the sale of a 48355
newspaper of general circulation; 48356

(b) As used in division (B)(5)(a) of this section, "newspaper 48357
of general circulation" includes, but is not limited to, both of 48358
the following: 48359

(i) A newspaper that is a daily law journal designated as an 48360
official publisher of court calendars pursuant to section 2701.09 48361
of the Revised Code; 48362

(ii) A newspaper or publication that has at least twenty-five 48363
per cent editorial, non-advertising content, exclusive of inserts, 48364
measured relative to total publication space, and an audited 48365
circulation to at least fifty per cent of the households in the 48366
newspaper's retail trade zone as defined by the audit. 48367

(6)(a) An issuer, or its subsidiary, that has a class of 48368
securities to which all of the following apply: 48369

(i) The class of securities is subject to section 12 of the 48370
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 48371
registered or is exempt from registration under 15 U.S.C.A. 48372
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 48373

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system; 48374
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(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4). 48377
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(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary. 48379
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(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked; 48389
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(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425; 48394
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(9) A supervised financial institution or its subsidiary. As used in division (B)(9) of this section, "supervised financial institution" means a bank, trust company, savings and loan association, savings bank, credit union, industrial loan company, 48401
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consumer finance lender, commercial finance lender, or institution 48405
described in section 2(c)(2)(F) of the "Bank Holding Company Act 48406
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 48407
official or agency of the United States, this state, or any other 48408
state of the United States; or a licensee or registrant under 48409
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 48410
1321.83, or Chapter 1322. of the Revised Code. 48411

(10)(a) An insurance company, association, or other 48412
organization that is licensed or authorized to conduct business in 48413
this state by the superintendent of insurance pursuant to Title 48414
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 48415
when soliciting within the scope of its license or authorization. 48416

(b) A licensed insurance broker, agent, or solicitor when 48417
soliciting within the scope of the person's license. As used in 48418
division (B)(10)(b) of this section, "licensed insurance broker, 48419
agent, or solicitor" means any person licensed as an insurance 48420
broker, agent, or solicitor by the superintendent of insurance 48421
pursuant to Title XXXIX of the Revised Code. 48422

(11) A person soliciting the sale of services provided by a 48423
cable television system operating under authority of a 48424
governmental franchise or permit; 48425

(12) A person soliciting a business-to-business sale under 48426
which any of the following conditions are met: 48427

(a) The telephone solicitor has been operating continuously 48428
for at least three years under the same business name under which 48429
it solicits purchasers, and at least fifty-one per cent of its 48430
gross dollar volume of sales consists of repeat sales to existing 48431
customers to whom it has made sales under the same business name. 48432

(b) The purchaser business intends to resell the goods 48433
purchased. 48434

(c) The purchaser business intends to use the goods or 48435

services purchased in a recycling, reuse, manufacturing, or 48436
remanufacturing process. 48437

(d) The telephone solicitor is a publisher of a periodical or 48438
of magazines distributed as controlled circulation publications as 48439
defined in division (CC) of section 5739.01 of the Revised Code 48440
and is soliciting sales of advertising, subscriptions, reprints, 48441
lists, information databases, conference participation or 48442
sponsorships, trade shows or media products related to the 48443
periodical or magazine, or other publishing services provided by 48444
the controlled circulation publication. 48445

(13) A person that, not less often than once each year, 48446
publishes and delivers to potential purchasers a catalog that 48447
complies with both of the following: 48448

(a) It includes all of the following: 48449

(i) The business address of the seller; 48450

(ii) A written description or illustration of each good or 48451
service offered for sale; 48452

(iii) A clear and conspicuous disclosure of the sale price of 48453
each good or service; shipping, handling, and other charges; and 48454
return policy. 48455

(b) One of the following applies: 48456

(i) The catalog includes at least twenty-four pages of 48457
written material and illustrations, is distributed in more than 48458
one state, and has an annual postage-paid mail circulation of not 48459
less than two hundred fifty thousand households; 48460

(ii) The catalog includes at least ten pages of written 48461
material or an equivalent amount of material in electronic form on 48462
the internet or an on-line computer service, the person does not 48463
solicit customers by telephone but solely receives telephone calls 48464
made in response to the catalog, and during the calls the person 48465

takes orders but does not engage in further solicitation of the purchaser. As used in division (B)(13)(b)(ii) of this section, "further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller.

(14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;

(15) A college or university or any other public or private institution of higher education in this state;

(16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;

(17) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar

volume of retail sales involves purchases of goods or services at 48497
the person's business premises. 48498

(b) An affiliate of a person that meets the requirements in 48499
division (B)(18)(a) of this section if the affiliate meets all of 48500
the following requirements: 48501

(i) The affiliate has operated a retail business for a period 48502
of less than one year; 48503

(ii) The affiliate either displays goods and offers them for 48504
retail sale at the affiliate's business premises or offers 48505
services for sale and provides them at the affiliate's business 48506
premises; 48507

(iii) At least fifty-one per cent of the affiliate's gross 48508
dollar volume of retail sales involves purchases of goods or 48509
services at the affiliate's business premises. 48510

(c) A person that, for a period of less than one year, has 48511
been operating a retail business in this state under the same name 48512
as that used in connection with telephone solicitation, as long as 48513
all of the following requirements are met: 48514

(i) The person either displays goods and offers them for 48515
retail sale at the person's business premises or offers services 48516
for sale and provides them at the person's business premises; 48517

(ii) The goods or services that are the subject of telephone 48518
solicitation are sold at the person's business premises, and at 48519
least sixty-five per cent of the person's gross dollar volume of 48520
retail sales involves purchases of goods or services at the 48521
person's business premises; 48522

(iii) The person conducts all telephone solicitation 48523
activities according to sections 310.3, 310.4, and 310.5 of the 48524
telemarketing sales rule adopted by the federal trade commission 48525
in 16 C.F.R. part 310. 48526

(19) A person who performs telephone solicitation sales 48527
services on behalf of other persons and to whom one of the 48528
following applies: 48529

(a) The person has operated under the same ownership, 48530
control, and business name for at least five years, and the person 48531
receives at least seventy-five per cent of its gross revenues from 48532
written telephone solicitation contracts with persons who come 48533
within one of the exemptions in division (B) of this section. 48534

(b) The person is an affiliate of one or more exempt persons 48535
and makes telephone solicitations on behalf of only the exempt 48536
persons of which it is an affiliate. 48537

(c) The person makes telephone solicitations on behalf of 48538
only exempt persons, the person and each exempt person on whose 48539
behalf telephone solicitations are made have entered into a 48540
written contract that specifies the manner in which the telephone 48541
solicitations are to be conducted and that at a minimum requires 48542
compliance with the telemarketing sales rule adopted by the 48543
federal trade commission in 16 C.F.R. part 310, and the person 48544
conducts the telephone solicitations in the manner specified in 48545
the written contract. 48546

(d) The person performs telephone solicitation for religious 48547
or political purposes, a charitable organization, a fund-raising 48548
council, or a professional solicitor in compliance with the 48549
registration and reporting requirements of Chapter 1716. of the 48550
Revised Code; and meets all of the following requirements: 48551

(i) The person has operated under the same ownership, 48552
control, and business name for at least five years, and the person 48553
receives at least fifty-one per cent of its gross revenues from 48554
written telephone solicitation contracts with persons who come 48555
within the exemption in division (B)(2) of this section; 48556

(ii) The person does not conduct a prize promotion or offer 48557

the sale of an investment opportunity; 48558

(iii) The person conducts all telephone solicitation 48559
activities according to sections 310.3, 310.4, and 310.5 of the 48560
telemarketing sales rules adopted by the federal trade commission 48561
in 16 C.F.R. part 310. 48562

(20) A person that is a licensed real estate salesperson or 48563
broker under Chapter 4735. of the Revised Code when soliciting 48564
within the scope of the person's license; 48565

(21)(a) Either of the following: 48566

(i) A publisher that solicits the sale of the publisher's 48567
periodical or magazine of general, paid circulation, or a person 48568
that solicits a sale of that nature on behalf of a publisher under 48569
a written agreement directly between the publisher and the person. 48570

(ii) A publisher that solicits the sale of the publisher's 48571
periodical or magazine of general, paid circulation, or a person 48572
that solicits a sale of that nature as authorized by a publisher 48573
under a written agreement directly with a publisher's 48574
clearinghouse provided the person is a resident of Ohio for more 48575
than three years and initiates all telephone solicitations from 48576
Ohio and the person conducts the solicitation and sale in 48577
compliance with 16 C.F.R. part 310, as adopted by the federal 48578
trade commission. 48579

(b) As used in division (B)(21) of this section, "periodical 48580
or magazine of general, paid circulation" excludes a periodical or 48581
magazine circulated only as part of a membership package or given 48582
as a free gift or prize from the publisher or person. 48583

(22) A person that solicits the sale of food, as defined in 48584
section 3715.01 of the Revised Code, or the sale of products of 48585
horticulture, as defined in section 5739.01 of the Revised Code, 48586
if the person does not intend the solicitation to result in, or 48587
the solicitation actually does not result in, a sale that costs 48588

the purchaser an amount greater than five hundred dollars. 48589

(23) A funeral director licensed pursuant to Chapter 4717. of 48590
the Revised Code when soliciting within the scope of that license, 48591
if both of the following apply: 48592

(a) The solicitation and sale are conducted in compliance 48593
with 16 C.F.R. part 453, as adopted by the federal trade 48594
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 48595
the Revised Code; 48596

(b) The person provides to the purchaser of any preneed 48597
funeral contract a notice that clearly and conspicuously sets 48598
forth the cancellation rights specified in division (G) of section 48599
1107.33 of the Revised Code, and retains a copy of the notice 48600
signed by the purchaser. 48601

(24) A person, or affiliate thereof, licensed to sell or 48602
issue Ohio instruments designated as travelers checks pursuant to 48603
sections 1315.01 to 1315.18 of the Revised Code. 48604

(25) A person that solicits sales from its previous 48605
purchasers and meets all of the following requirements: 48606

(a) The solicitation is made under the same business name 48607
that was previously used to sell goods or services to the 48608
purchaser; 48609

(b) The person has, for a period of not less than three 48610
years, operated a business under the same business name as that 48611
used in connection with telephone solicitation; 48612

(c) The person does not conduct a prize promotion or offer 48613
the sale of an investment opportunity; 48614

(d) The person conducts all telephone solicitation activities 48615
according to sections 310.3, 310.4, and 310.5 of the telemarketing 48616
sales rules adopted by the federal trade commission in 16 C.F.R. 48617
part 310; 48618

(e) Neither the person nor any of its principals has been 48619
convicted of, pleaded guilty to, or has entered a plea of no 48620
contest for a felony or a theft offense as defined in sections 48621
2901.02 and 2913.01 of the Revised Code or similar law of another 48622
state or of the United States; 48623

(f) Neither the person nor any of its principals has had 48624
entered against them an injunction or a final judgment or order, 48625
including an agreed judgment or order, an assurance of voluntary 48626
compliance, or any similar instrument, in any civil or 48627
administrative action involving engaging in a pattern of corrupt 48628
practices, fraud, theft, embezzlement, fraudulent conversion, or 48629
misappropriation of property; the use of any untrue, deceptive, or 48630
misleading representation; or the use of any unfair, unlawful, 48631
deceptive, or unconscionable trade act or practice. 48632

(26) An institution defined as a home health agency in 48633
section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all 48634
telephone solicitation activities according to sections 310.3, 48635
310.4, and 310.5 of the telemarketing sales rules adopted by the 48636
federal trade commission in 16 C.F.R. part 310, and engages in 48637
telephone solicitation only within the scope of the institution's 48638
certification, accreditation, contract with the department of 48639
aging, or status as a home health agency; and that meets one of 48640
the following requirements: 48641

(a) The institution is certified as a provider of home health 48642
services under Title XVIII of the Social Security Act, 49 Stat. 48643
620, 42 U.S.C. 301, as amended; 48644

(b) The institution is accredited by either the joint 48645
commission on accreditation of health care organizations or the 48646
community health accreditation program; 48647

(c) The institution is providing PASSPORT services under the 48648
direction of the department of aging under sections 173.52 to 48649

173.523 of the Revised Code; 48650

(d) An affiliate of an institution that meets the 48651
requirements of division (B)(26)(a), (b), or (c) of this section 48652
when offering for sale substantially the same goods and services 48653
as those that are offered by the institution that meets the 48654
requirements of division (B)(26)(a), (b), or (c) of this section. 48655

(27) A person licensed by the department of health pursuant 48656
to section 3712.04 or 3712.041 of the Revised Code to provide a 48657
hospice care program or pediatric respite care program when 48658
conducting telephone solicitations within the scope of the 48659
person's license and according to sections 310.3, 310.4, and 310.5 48660
of the telemarketing sales rules adopted by the federal trade 48661
commission in 16 C.F.R. part 310. 48662

Sec. 4723.431. (A)(1) An advanced practice registered nurse 48663
who is designated as a clinical nurse specialist, certified 48664
nurse-midwife, or certified nurse practitioner may practice only 48665
in accordance with a standard care arrangement entered into with 48666
each physician or podiatrist with whom the nurse collaborates. A 48667
copy of the standard care arrangement shall be retained on file by 48668
the nurse's employer. Prior approval of the standard care 48669
arrangement by the board of nursing is not required, but the board 48670
may periodically review it for compliance with this section. 48671

A clinical nurse specialist, certified nurse-midwife, or 48672
certified nurse practitioner may enter into a standard care 48673
arrangement with one or more collaborating physicians or 48674
podiatrists. If a collaborating physician or podiatrist enters 48675
into standard care arrangements with more than five nurses, the 48676
physician or podiatrist shall not collaborate at the same time 48677
with more than five nurses in the prescribing component of their 48678
practices. 48679

Not later than thirty days after first engaging in the 48680

practice of nursing as a clinical nurse specialist, certified 48681
nurse-midwife, or certified nurse practitioner, the nurse shall 48682
submit to the board the name and business address of each 48683
collaborating physician or podiatrist. Thereafter, the nurse shall 48684
notify the board of any additions or deletions to the nurse's 48685
collaborating physicians or podiatrists. Except as provided in 48686
division (D) of this section, the notice must be provided not 48687
later than thirty days after the change takes effect. 48688

(2) All of the following conditions apply with respect to the 48689
practice of a collaborating physician or podiatrist with whom a 48690
clinical nurse specialist, certified nurse-midwife, or certified 48691
nurse practitioner may enter into a standard care arrangement: 48692

(a) The physician or podiatrist must be authorized to 48693
practice in this state. 48694

(b) Except as provided in division (A)(2)(c) of this section, 48695
the physician or podiatrist must be practicing in a specialty that 48696
is the same as or similar to the nurse's nursing specialty. 48697

(c) If the nurse is a clinical nurse specialist who is 48698
certified as a psychiatric-mental health CNS by the American 48699
nurses credentialing center or a certified nurse practitioner who 48700
is certified as a psychiatric-mental health NP by the American 48701
nurses credentialing center, the nurse may enter into a standard 48702
care arrangement with a physician but not a podiatrist and the 48703
collaborating physician must be practicing in one of the following 48704
specialties: 48705

(i) Psychiatry; 48706

(ii) Pediatrics; 48707

(iii) Primary care or family practice. 48708

(B) A standard care arrangement shall be in writing and shall 48709
contain all of the following: 48710

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist; 48711
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(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist; 48715
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(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care; 48719
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(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist; 48724
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(5) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code. 48728
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(C)(1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section ~~3701.881~~ 3740.01 of the Revised Code. 48730
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(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to admit a patient to a hospital in accordance with section 3727.06 of the Revised Code. 48735
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(D)(1) Except as provided in division (D)(2) of this section, if a physician or podiatrist terminates the collaboration between 48740
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the physician or podiatrist and a certified nurse-midwife, 48742
certified nurse practitioner, or clinical nurse specialist before 48743
their standard care arrangement expires, all of the following 48744
apply: 48745

(a) The physician or podiatrist must give the nurse written 48746
or electronic notice of the termination. 48747

(b) Once the nurse receives the termination notice, the nurse 48748
must notify the board of nursing of the termination as soon as 48749
practicable by submitting to the board a copy of the physician's 48750
or podiatrist's termination notice. 48751

(c) Notwithstanding the requirement of section 4723.43 of the 48752
Revised Code that the nurse practice in collaboration with a 48753
physician or podiatrist, the nurse may continue to practice under 48754
the existing standard care arrangement without a collaborating 48755
physician or podiatrist for not more than one hundred twenty days 48756
after submitting to the board a copy of the termination notice. 48757

(2) In the event that the collaboration between a physician 48758
or podiatrist and a certified nurse-midwife, certified nurse 48759
practitioner, or clinical nurse specialist terminates because of 48760
the physician's or podiatrist's death, the nurse must notify the 48761
board of the death as soon as practicable. The nurse may continue 48762
to practice under the existing standard care arrangement without a 48763
collaborating physician or podiatrist for not more than one 48764
hundred twenty days after notifying the board of the physician's 48765
or podiatrist's death. 48766

(E) Nothing in this section prohibits a hospital from hiring 48767
a clinical nurse specialist, certified nurse-midwife, or certified 48768
nurse practitioner as an employee and negotiating standard care 48769
arrangements on behalf of the employee as necessary to meet the 48770
requirements of this section. A standard care arrangement between 48771
the hospital's employee and the employee's collaborating physician 48772

is subject to approval by the medical staff and governing body of 48773
the hospital prior to implementation of the arrangement at the 48774
hospital. 48775

Sec. 4729.42. (A) Subject to division (B) of this section, if 48776
use of a protocol that has been developed under this section has 48777
been authorized under section 4731.90 of the Revised Code, a 48778
pharmacist, or a pharmacy intern who is practicing under the 48779
direct supervision of a pharmacist, may dispense tobacco cessation 48780
drugs without a prescription in accordance with that protocol to 48781
individuals who are seeking to quit using tobacco-containing 48782
products. 48783

(B) For a pharmacist or pharmacy intern to be authorized to 48784
dispense tobacco cessation drugs under this section, the 48785
pharmacist or pharmacy intern shall do both of the following: 48786

(1) Successfully complete a course on tobacco cessation 48787
therapy that is taught by a provider that is accredited by the 48788
accreditation council for pharmacy education, or another provider 48789
approved by the state board of pharmacy, and that meets 48790
requirements established in rules adopted under this section; 48791

(2) Practice in accordance with a protocol that meets the 48792
requirements of division (C) of this section. 48793

(C) All of the following apply with respect to the protocol 48794
required by this section: 48795

(1) The protocol shall be established by a physician 48796
authorized under Chapter 4731. of the Revised Code to practice 48797
medicine and surgery or osteopathic medicine and surgery. 48798

(2) The protocol shall specify a definitive set of treatment 48799
guidelines and the locations at which a pharmacist or pharmacy 48800
intern may dispense tobacco cessation drugs under this section. 48801

(3) The protocol shall include provisions for implementation 48802

of the following requirements: 48803

(a) Use by the pharmacist or pharmacy intern of a screening procedure, recommended by the United States centers for disease control and prevention or another organization approved by the board, to determine if an individual is a good candidate to receive tobacco cessation drugs dispensed as authorized by this section; 48804
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(b) A requirement that the pharmacist or pharmacy intern refer high-risk individuals or individuals with contraindications to a primary care provider or, as appropriate, to another type of provider; 48810
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(c) A requirement that the pharmacist or pharmacy intern develop and implement a follow-up care plan in accordance with guidelines specified in rules adopted under this section, including a recommendation by the pharmacist or pharmacy intern that the individual seek additional assistance with behavior change, including assistance from the Ohio tobacco quit line made available by the department of health; 48814
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(d) A requirement that the pharmacist or pharmacy intern obtain parental or guardian consent, in accordance with procedures specified in rules adopted under this section, before dispensing tobacco cessation drugs to individuals who are younger than eighteen years of age. 48821
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(4) The protocol shall satisfy any additional requirements established in rules adopted under this section. 48826
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(D)(1) Documentation related to screening, dispensing, and follow-up care plans shall be maintained in the records of the pharmacy where the pharmacist or pharmacy intern practices. Dispensing of tobacco cessation drugs may be documented on a prescription form, and the form may be assigned a number for recordkeeping purposes. 48828
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(2) Not later than thirty days after a screening is conducted 48834
under this section, the pharmacist or pharmacy intern shall 48835
provide notice to the individual's primary care provider, if 48836
known, or to the individual if the primary care provider is 48837
unknown. The notice shall include results of the screening, and if 48838
applicable, the dispensing record and follow-up care plan. 48839

A copy of the documentation identified in division (D)(1) of 48840
this section shall also be provided to the individual or the 48841
individual's primary care provider on request. 48842

(E) This section does not affect the authority of a 48843
pharmacist or pharmacy intern to fill or refill prescriptions for 48844
tobacco cessation drugs. 48845

(F)(1) No pharmacist shall do either of the following: 48846

(a) Dispense tobacco cessation drugs without a prescription 48847
unless the requirements of division (B) of this section have been 48848
met; 48849

(b) Delegate to any person the pharmacist's authority to 48850
engage in or supervise the dispensing of tobacco cessation drugs. 48851

(2) No pharmacy intern shall dispense tobacco cessation drugs 48852
without a prescription unless the requirements of division (B) of 48853
this section have been met. 48854

(G)(1) The board shall adopt rules to implement this section. 48855
The rules shall be adopted in accordance with Chapter 119. of the 48856
Revised Code and shall include all of the following: 48857

(a) Provisions specifying the tobacco cessation drugs that 48858
may be dispensed without a prescription in accordance with a 48859
protocol; 48860

(b) Requirements for courses on tobacco cessation therapy 48861
including requirements that are consistent with any standards 48862
established for such courses by the United States centers for 48863

<u>disease control and prevention;</u>	48864
<u>(c) Requirements for protocols to be followed by pharmacists and pharmacy interns in dispensing tobacco cessation drugs;</u>	48865
<u>(d) Guidelines for follow-up care plans;</u>	48866
<u>(e) Procedures to be followed by pharmacists and pharmacy interns in obtaining parental or guardian consent in the case of individuals who are younger than eighteen years of age.</u>	48867
<u>(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists and pharmacy interns in dispensing of tobacco cessation drugs, the state board of pharmacy shall consult with the state medical board.</u>	48868
<u>(3) Prior to adopting rules specifying tobacco cessation drugs that may be dispensed without a prescription in accordance with a protocol, the state board of pharmacy shall consult with the department of health.</u>	48869
Sec. 4729.43. (A) As used in this section:	48870
(1) "Home health agency" has the same meaning as in section 3701.881 <u>3740.01</u> of the Revised Code.	48871
(2) "Hospice care program" and "hospice patient" have the same meanings as in section 3712.01 of the Revised Code.	48872
(B) With regard to a dangerous drug that is indicated for the treatment of cancer or a cancer-related illness, must be administered intravenously or by subcutaneous injection, and cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration, a pharmacist shall not dispense the drug by delivering the drug directly to any of the following or causing the drug to be delivered directly to any of the following:	48873
(1) The patient;	48874

(2) The patient's representative, which may include the patient's guardian or a family member or friend of the patient; 48893
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(3) The patient's private residence unless any of the following is the case: 48895
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(a) The patient's private residence is a nursing home, residential care facility, rehabilitation facility, or similar institutional facility or health care facility. 48897
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(b) If the patient is an adult and a hospice patient or client of a home health agency, the patient, the licensed health professional authorized to prescribe drugs who prescribed the drug to the patient, or an employee or agent of the prescriber has notified the pharmacist that the patient is a hospice patient or client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient. 48900
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(c) If the patient is a minor and a hospice patient or client of a home health agency, either of the following has notified the pharmacist that the patient is a client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient: 48908
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(i) The licensed health professional authorized to prescribe drugs who prescribed the drug to the patient or an employee or agent of the prescriber; 48913
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(ii) The parent, guardian, or other person who has care or charge of the patient and is authorized to consent to medical treatment on behalf of the patient. 48916
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Sec. 4731.152. (A) The state medical board shall appoint a message therapy advisory council for the purpose of advising the board on issues relating to the practice of massage therapy. The advisory council shall consist of not more than seven individuals 48919
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knowledgeable in the area of massage therapy. 48923

A majority of the council members shall be individuals 48924
licensed to practice massage therapy under this chapter who are 48925
actively engaged in the practice of massage therapy. The board 48926
shall include all of the following on the council: 48927

(1) One physician who is a member of the state medical board; 48928

(2) One massage therapy educator; 48929

(3) One individual who is not affiliated with any health care 48930
profession, who shall be appointed to represent the interest of 48931
consumers. 48932

The American massage therapy association, or its successor 48933
organization, may nominate not more than three individuals for 48934
consideration by the board in appointing the educator member 48935
described in division (A)(2) of this section. 48936

Associated bodywork and massage professionals (ABMP), or its 48937
successor organization, may nominate not more than three 48938
individuals for consideration by the board in appointing any 48939
member of the council other than the physician member described in 48940
division (A)(1) of this section or the educator member described 48941
in division (A)(2) of this section. 48942

(B) Not later than ninety days after the effective date of 48943
this section, the board shall make initial appointments to the 48944
council. Initial members shall serve terms of office of one, two, 48945
or three years, as selected by the board. Thereafter, terms of 48946
office shall be for three years, with each term ending on the same 48947
day of the same month as the term that it succeeds. A council 48948
member shall continue in office subsequent to the expiration date 48949
of the member's term until a successor is appointed and takes 48950
office, or until a period of sixty days has elapsed, whichever 48951
occurs first. Each council member shall hold office from the date 48952

of appointment until the end of the term for which the member was 48953
appointed. 48954

(C) Members shall serve without compensation, but shall be 48955
reimbursed for actual and necessary expenses incurred in 48956
performing their official duties. 48957

(D) The council shall meet at least four times each year and 48958
at other times as may be necessary to carry out its 48959
responsibilities. 48960

(E) The council may submit to the board recommendations 48961
concerning all of the following: 48962

(1) Requirements for issuing a license to practice as a 48963
licensed massage therapist, including the educational and 48964
experience requirements that must be met to receive the license; 48965

(2) Existing and proposed rules pertaining to the practice of 48966
massage therapy and the administration and enforcement of this 48967
chapter as it pertains to massage therapy; 48968

(3) Standards for the approval of educational programs 48969
required to qualify for licensure; 48970

(4) Policies related to the issuance and renewal of a license 48971
to practice massage therapy; 48972

(5) Fees for the issuance and renewal of a license to 48973
practice massage therapy; 48974

(6) Standards of practice and ethical conduct in the practice 48975
of massage therapy; 48976

(7) The safe and effective practice of massage therapy, 48977
including scope of practice and minimal standards of care. 48978

Sec. 4731.90. A physician who has established a protocol that 48979
meets the requirements of section 4729.42 of the Revised Code and 48980
the rules adopted under that section may authorize one or more 48981

pharmacists and any of the pharmacy interns supervised by the 48982
pharmacist or pharmacists to use the protocol for the purpose of 48983
dispensing tobacco cessation drugs under section 4729.42 of the 48984
Revised Code. 48985

Sec. 4735.05. (A) The Ohio real estate commission is a part 48986
of the department of commerce for administrative purposes. The 48987
director of commerce is ex officio the executive officer of the 48988
commission, or the director may designate any employee of the 48989
department as superintendent of real estate and professional 48990
licensing to act as executive officer of the commission. 48991

The commission and the real estate appraiser board created 48992
pursuant to section 4763.02 of the Revised Code shall each submit 48993
to the director a list of three persons whom the commission and 48994
the board consider qualified to be superintendent within sixty 48995
days after the office of superintendent becomes vacant. The 48996
director shall appoint a superintendent from the lists submitted 48997
by the commission and the board, and the superintendent shall 48998
serve at the pleasure of the director. 48999

(B) The superintendent, except as otherwise provided, shall 49000
do all of the following in regard to this chapter: 49001

(1) Administer this chapter; 49002

(2) Issue all orders necessary to implement this chapter; 49003

(3) Investigate complaints concerning the violation of this 49004
chapter or the conduct of any licensee; 49005

(4) Establish and maintain an investigation and audit section 49006
to investigate complaints and conduct inspections, audits, and 49007
other inquiries as in the judgment of the superintendent are 49008
appropriate to enforce this chapter. The investigators or auditors 49009
have the right to review and audit the business records of 49010
licensees and continuing education course providers during normal 49011

business hours. 49012

(5) Appoint a hearing examiner for any proceeding involving 49013
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 49014
the Revised Code; 49015

(6) Administer the real estate recovery fund. 49016

(C) The superintendent may do all of the following: 49017

(1) In connection with investigations and audits under 49018
division (B) of this section, subpoena witnesses as provided in 49019
section 4735.04 of the Revised Code; 49020

(2) Apply to the appropriate court to enjoin any violation of 49021
this chapter. Upon a showing by the superintendent that any person 49022
has violated or is about to violate any provision of this chapter, 49023
the court shall grant an injunction, restraining order, or other 49024
appropriate order. 49025

(3) ~~Upon~~ Recommend the appointment of an ancillary trustee 49026
who is qualified as determined by the superintendent in any of the 49027
following instances: 49028

(a) Upon the death of a licensed broker ~~or the revocation or~~ 49029
~~suspension of the broker's license,~~ if there is no other licensed 49030
broker within the ~~business entity of the broker~~ brokerage, appoint 49031
upon application by any interested party, ~~or, in the case of a~~ 49032
~~deceased broker,~~ subject to the approval by the appropriate 49033
probate court, ~~recommend the appointment of, an ancillary trustee~~ 49034
~~who is qualified as determined by the superintendent to conclude~~ 49035
~~the business transactions of the deceased, revoked, or suspended~~ 49036
broker; 49037

(b) Upon the revocation of a licensed broker, if there is no 49038
other licensed broker within the brokerage, to conclude the 49039
business transactions of the revoked broker; 49040

(c) Upon the incapacitation, suspension, or incarceration of 49041

a licensed broker, if there is no other licensed broker within the 49042
brokerage, to continue the business transactions of the brokerage 49043
for a period of time not to exceed the period of incapacitation, 49044
suspension, or incarceration. 49045

(4) In conjunction with the enforcement of this chapter, when 49046
the superintendent of real estate has reasonable cause to believe 49047
that an applicant or licensee has committed a criminal offense, 49048
the superintendent of real estate may request the superintendent 49049
of the bureau of criminal identification and investigation to 49050
conduct a criminal records check of the applicant or licensee. The 49051
superintendent of the bureau of criminal identification and 49052
investigation shall obtain information from the federal bureau of 49053
investigation as part of the criminal records check of the 49054
applicant or licensee. The superintendent of real estate may 49055
assess the applicant or licensee a fee equal to the fee assessed 49056
for the criminal records check. 49057

(5) In conjunction with the enforcement of this chapter, 49058
issue advisory letters in lieu of initiating disciplinary action 49059
under section 4735.051 or 4735.052 of the Revised Code or issuing 49060
a citation under section 4735.16 or 4735.181 of the Revised Code. 49061

(D) All information that is obtained by investigators and 49062
auditors performing investigations or conducting inspections, 49063
audits, and other inquiries pursuant to division (B)(4) of this 49064
section, from licensees, complainants, or other persons, and all 49065
reports, documents, and other work products that arise from that 49066
information and that are prepared by the investigators, auditors, 49067
or other personnel of the department, shall be held in confidence 49068
by the superintendent, the investigators and auditors, and other 49069
personnel of the department. Notwithstanding division (D) of 49070
section 2317.023 of the Revised Code, all information obtained by 49071
investigators or auditors from an informal mediation meeting held 49072
pursuant to section 4735.051 of the Revised Code, including but 49073

not limited to the agreement to mediate and the accommodation 49074
agreement, shall be held in confidence by the superintendent, 49075
investigators, auditors, and other personnel of the department. 49076

(E) This section does not prevent the division of real estate 49077
and professional licensing from releasing information relating to 49078
licensees to the superintendent of financial institutions for 49079
purposes relating to the administration of Chapter 1322. of the 49080
Revised Code, to the superintendent of insurance for purposes 49081
relating to the administration of Chapter 3953. of the Revised 49082
Code, to the attorney general, or to local law enforcement 49083
agencies and local prosecutors. Information released by the 49084
division pursuant to this section remains confidential. 49085

Sec. 4735.14. (A) Each license issued under this chapter, 49086
shall be valid without further recommendation or examination until 49087
it is placed in an inactive or resigned status, is revoked or 49088
suspended, or such license expires by operation of law. 49089

(B) Except for a licensee who has placed the licensee's 49090
license in resigned status pursuant to section 4735.142 of the 49091
Revised Code, each licensed broker, brokerage, or salesperson 49092
shall file, on or before the date the Ohio real estate commission 49093
has adopted by rule for that licensee in accordance with division 49094
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 49095
renewal on a form prescribed by the superintendent of real estate. 49096
The notice of renewal shall be mailed by the superintendent two 49097
months prior to the filing deadline to the personal residence 49098
address of each broker or salesperson that is on file with the 49099
division. If the licensee is a partnership, association, limited 49100
liability company, limited liability partnership, or corporation, 49101
the notice of renewal shall be mailed by the superintendent two 49102
months prior to the filing deadline to the brokerage's business 49103
address on file with the division. A licensee shall not renew the 49104

licensee's license any earlier than two months prior to the filing 49105
deadline. 49106

(C) Except as otherwise provided in division (B) of this 49107
section, the license of any real estate broker, brokerage, or 49108
salesperson that fails to file a notice of renewal on or before 49109
the filing deadline of each ensuing year shall be suspended 49110
automatically without the taking of any action by the 49111
superintendent. A suspended license may be reactivated within 49112
twelve months of the date of suspension, provided that the renewal 49113
fee plus a penalty fee of fifty per cent of the renewal fee is 49114
paid to the superintendent. Failure to reactivate the license as 49115
provided in this division shall result in automatic revocation of 49116
the license without the taking of any action by the 49117
superintendent. No person, partnership, association, corporation, 49118
limited liability company, or limited partnership shall engage in 49119
any act or acts for which a real estate license is required while 49120
that entity's license is placed in an inactive or resigned status, 49121
or is suspended, or revoked. The commission shall adopt rules in 49122
accordance with Chapter 119. of the Revised Code to provide to 49123
licensees notice of suspension or revocation or both. 49124

(D) Each licensee shall notify the superintendent of a change 49125
in personal residence address within thirty days after the change 49126
of location. A licensee's failure to notify the superintendent of 49127
a change in personal residence address does not negate the 49128
requirement to file the license renewal by the required deadline 49129
established by the commission by rule under division (A)(2)(f) of 49130
section 4735.10 of the Revised Code. Each licensee shall maintain 49131
a valid electronic mail address on file with the division and 49132
notify the superintendent of any change in electronic mail address 49133
within thirty days after the change. 49134

(E) The superintendent shall not renew a license if the 49135
licensee fails to comply with section 4735.141 of the Revised Code 49136

or is otherwise not in compliance with this chapter. 49137

(F) The superintendent shall make notice of successful 49138
renewal available electronically to licensees as soon as 49139
practicable, but not later than thirty days after receipt by the 49140
division of a complete application and renewal fee. This notice 49141
shall serve as a notice of renewal for purposes of section 4745.02 49142
of the Revised Code. 49143

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 49144
transfer of a license shall be as follows: 49145

(1) Reactivation or transfer of a broker's license into or 49146
out of a partnership, association, limited liability company, 49147
limited liability partnership, or corporation or from one 49148
partnership, association, limited liability company, limited 49149
liability partnership, or corporation to another partnership, 49150
association, limited liability company, limited liability 49151
partnership, or corporation, thirty-four dollars. An application 49152
for such transfer shall be made to the superintendent of real 49153
estate on forms provided by the superintendent. 49154

(2) Reactivation or transfer of a license by a real estate 49155
salesperson, thirty-four dollars. 49156

(B) Except as may otherwise be specified pursuant to division 49157
(F) of this section or any rules adopted by the Ohio real estate 49158
commission pursuant to division (A)(2)(b) of section 4735.10 of 49159
the Revised Code, the nonrefundable fees are as follows for each 49160
licensing period: 49161

(1) Branch office license, twenty dollars; 49162

(2) Renewal of a three-year real estate broker's license, two 49163
hundred forty-three dollars. If the licensee is a partnership, 49164
association, limited liability company, limited liability 49165
partnership, or corporation, the full broker's renewal fee shall 49166

be required for each member of such partnership, association, 49167
limited liability company, limited liability partnership, or 49168
corporation that is a real estate broker. If the real estate 49169
broker has not less than eleven nor more than twenty real estate 49170
salespersons associated with the broker, an additional fee of 49171
sixty-four dollars shall be assessed to the brokerage. For every 49172
additional ten real estate salespersons or fraction of that 49173
number, the brokerage assessment fee shall be increased in the 49174
amount of thirty-seven dollars. 49175

(3) Renewal of a three-year real estate salesperson's 49176
license, one hundred eighty-two dollars; 49177

(4) Renewal of a real estate broker's or salesperson's 49178
license filed within twelve months after the licensee's renewal 49179
date, an additional late filing penalty of fifty per cent of the 49180
required three-year fee; 49181

(5) Foreign real estate dealer's license and each renewal of 49182
the license, thirty dollars per salesperson employed by the 49183
dealer, but not less than two hundred three dollars; 49184

(6) Foreign real estate salesperson's license and each 49185
renewal of the license, sixty-eight dollars. 49186

(C) All fees collected under this section shall be paid to 49187
the treasurer of state. One dollar of each such fee shall be 49188
credited to the real estate education and research fund, except 49189
that for fees that are assessed only once every three years, ~~three~~ 49190
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 49191
credited to the real estate education and research fund. 49192

(D) In all cases, the fee and any penalty shall accompany the 49193
application for the license, license transfer, or license 49194
reactivation or shall accompany the filing of the renewal. 49195

(E) The commission may establish by rule reasonable fees for 49196
services not otherwise established by this chapter. 49197

(F) The commission may adopt rules that provide for a 49198
reduction in the fees established in divisions (B)(2) and (3) of 49199
this section. 49200

Sec. 4735.211. All fines imposed under section 4735.051 of 49201
the Revised Code, and all fees and charges collected under 49202
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 49203
4735.28, and 4735.29 of the Revised Code, except such fees as are 49204
paid to the real estate education and research fund and real 49205
estate recovery fund as provided in this chapter, shall be paid 49206
into the state treasury to the credit of the division of real 49207
estate operating fund, which is hereby created. All operating 49208
expenses of the division of real estate shall be paid from the 49209
division of real estate operating fund. 49210

The division of real estate operating fund shall be assessed 49211
a proportionate share of the administrative costs of the 49212
department of commerce in accordance with procedures prescribed by 49213
the director of commerce ~~and approved by the director of budget~~ 49214
~~and management~~. Such assessments shall be paid from the division 49215
of real estate operating fund to the division of administration 49216
fund. 49217

If funds in the division of real estate operating fund are 49218
determined by the director of commerce to be in excess of those 49219
necessary to fund all the expenses of the division in any 49220
biennium, the director may pay the excess funds to the real estate 49221
education and research fund. 49222

Sec. 4755.01. (A) There is hereby created the Ohio 49223
occupational therapy, physical therapy, and athletic trainers 49224
board consisting of sixteen residents of this state, who shall be 49225
appointed by the governor with the advice and consent of the 49226
senate. The board shall be composed of a physical therapy section, 49227

an occupational therapy section, and an athletic trainers section. 49228

(1) Five members of the board shall be physical therapists 49229
who are licensed to practice physical therapy and who have been 49230
engaged in or actively associated with the practice of physical 49231
therapy in this state for at least five years immediately 49232
preceding appointment. Such members of the board shall sit on the 49233
physical therapy section. The physical therapy section also shall 49234
consist of four additional members, appointed by the governor with 49235
the advice and consent of the senate, who satisfy the same 49236
qualifications as the members of the board sitting on the physical 49237
therapy section, but who are not members of the board. Of the 49238
additional physical therapy section members whose terms commence 49239
on August 28, 2007, one shall be for a term of one year, one for a 49240
term of two years, one for a term of three years, and one for a 49241
term of four years. Such additional members of the physical 49242
therapy section are vested with only such powers and shall perform 49243
only such duties as relate to the affairs of that section. 49244

(2) Four members of the board shall be occupational 49245
therapists and one member shall be a licensed occupational therapy 49246
assistant, all of whom have been engaged in or actively associated 49247
with the practice of occupational therapy or practice as an 49248
occupational therapy assistant in this state for at least five 49249
years immediately preceding appointment. Such members of the board 49250
shall sit on the occupational therapy section. 49251

(3) Four members of the board shall be athletic trainers who 49252
have been engaged in the practice of athletic training in Ohio for 49253
at least five years immediately preceding appointment. One member 49254
of the board shall be a physician licensed to practice medicine 49255
and surgery in this state. Such members of the board shall sit on 49256
the athletic trainers section. 49257

(4) One member of the board shall represent the public. This 49258
member shall sit on the board and shall attend each year at least 49259

three meetings of the physical therapy section, three meetings of 49260
the occupational therapy section, and three meetings of the 49261
athletic trainers section. 49262

(B) Except for the terms of office specified in division 49263
(A)(1) of this section for the additional members of the physical 49264
therapy section commencing on August 28, 2007, terms for the 49265
members of the board and the additional members of the physical 49266
therapy section are for three years. Each member's term shall 49267
commence on the twenty-eighth day of August and end on the 49268
twenty-seventh day of August. Each member shall serve subsequent 49269
to the expiration of the member's term until the member's 49270
successor is appointed and qualifies, or until a period of ~~sixty~~ 49271
ninety days has elapsed, whichever occurs first. A member shall 49272
not serve for more than three consecutive terms. All vacancies 49273
shall be filled in the manner prescribed for the regular 49274
appointments and are limited to the unexpired terms. 49275

(C) Each member of the board and each additional member of 49276
the physical therapy section, before entering upon the official 49277
duties of office, shall do both of the following: 49278

(1) Subscribe to and file with the secretary of state the 49279
constitutional oath of office; 49280

(2) Sign and file with the executive director of the board a 49281
notarized statement that the member has read and understands 49282
sections 121.22 and 149.43 of the Revised Code and the provisions 49283
of Chapter 119. of the Revised Code that are applicable to the 49284
duties of the board. 49285

(D) Annually, upon the qualification of the member or members 49286
appointed in that year, the board shall organize by selecting from 49287
its members a president and secretary. Each section of the board 49288
shall independently organize by selecting from its members a 49289
chairperson and secretary. 49290

(E) A majority of the members of the board constitutes a 49291
quorum to transact and vote on the business of the board. A 49292
majority of the members of each section constitutes a quorum to 49293
transact and vote on the affairs of that section. 49294

(F) Each member of the board and each additional member of 49295
the physical therapy section shall receive an amount fixed 49296
pursuant to division (J) of section 124.15 of the Revised Code for 49297
each day employed in the discharge of official duties. In 49298
addition, each member of the board and each additional member of 49299
the physical therapy section shall receive the member's actual and 49300
necessary expenses incurred in the performance of official duties. 49301

(G) The board of trustees of the Ohio occupational therapy 49302
association may recommend, after any term expires or vacancy 49303
occurs in an occupational therapy position, at least three persons 49304
to fill each such position or vacancy on the board, and the 49305
governor may make the appointment from the persons so recommended. 49306
The executive board of the Ohio chapter of the American physical 49307
therapy association may recommend, after any term expires or 49308
vacancy occurs in a physical therapy position, at least three 49309
persons to fill each such vacancy on the board, and the governor 49310
may make appointments from the persons so recommended. The Ohio 49311
athletic trainers association shall recommend to the governor at 49312
least three persons when any term expires or any vacancy occurs in 49313
an athletic trainer position. The governor may select one of the 49314
association's recommendations in making such an appointment. 49315

(H) The board shall meet as a whole to determine all 49316
administrative, personnel, and budgetary matters. The executive 49317
director of the board appointed by the board shall not be a 49318
physical therapist, an occupational therapist, or an athletic 49319
trainer who has been licensed to practice physical therapy, 49320
occupational therapy, or as an athletic trainer in this state 49321
within three years immediately preceding appointment. The 49322

executive director shall execute, under the direction of the 49323
board, the policies, orders, directives, and administrative 49324
functions of the board and shall direct, under rules adopted by 49325
the board, the work of all persons employed by the board. Upon the 49326
request of the board, the executive director shall report to the 49327
board on any matter. The executive director shall serve at the 49328
pleasure of the board. 49329

(I) The occupational therapy section of the board shall have 49330
the authority to act on behalf of the board on matters concerning 49331
the practice of occupational therapy and, in particular, the 49332
examination of applicants, the issuance of licenses ~~and limited~~ 49333
~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 49334
~~permits~~ to practice as an occupational therapist or occupational 49335
therapy assistant. The physical therapy section of the board shall 49336
have the authority to act on behalf of the board on matters 49337
concerning the practice of physical therapy and, in particular, 49338
the examination, licensure, and suspension or revocation of 49339
licensure of applicants, physical therapists, and physical 49340
therapist assistants. The athletic trainers section of the board 49341
shall have the authority to act on behalf of the board on matters 49342
concerning the practice of athletic training and, in particular, 49343
the examination, licensure, and suspension or revocation of 49344
licensure of applicants and athletic trainers. All actions taken 49345
by any section of the board under this division shall be in 49346
accordance with Chapter 119. of the Revised Code. 49347

Sec. 4755.02. (A) The appropriate section of the Ohio 49348
occupational therapy, physical therapy, and athletic trainers 49349
board shall investigate compliance with this chapter or any rule 49350
or order issued under this chapter and shall investigate alleged 49351
grounds for the suspension, revocation, or refusal to issue or 49352
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 49353
4755.47, or 4755.64 of the Revised Code. The appropriate section 49354

may subpoena witnesses and documents in connection with its 49355
investigations. 49356

(B) Through the attorney general or an appropriate 49357
prosecuting attorney, the appropriate section may apply to an 49358
appropriate court for an order enjoining the violation of this 49359
chapter. On the filing of a verified petition, the court shall 49360
conduct a hearing on the petition and give the same preference to 49361
the proceeding as is given to all proceedings under Chapter 119. 49362
of the Revised Code, irrespective of the position of the 49363
proceeding on the court's calendar. On a showing that a person has 49364
violated or is about to violate this chapter, the court shall 49365
grant an injunction, restraining order, or other order as 49366
appropriate. The injunction proceedings provided by this division 49367
are in addition to all penalties and other remedies provided in 49368
this chapter. 49369

(C) When requested by the appropriate section, the 49370
prosecuting attorney of a county, or the village solicitor or city 49371
director of law of a municipal corporation, where a violation of 49372
this chapter allegedly occurs, shall take charge of and conduct 49373
the prosecution. 49374

(D) The appropriate section may employ investigators who 49375
shall investigate complaints, conduct inspections, and make 49376
inquiries as in the judgment of the section are appropriate to 49377
enforce sections 3123.41 to 3123.50 of the Revised Code or this 49378
chapter. These investigators have the right to review, obtain 49379
copies, and audit the patient records and personnel files of 49380
licensees ~~and limited permit holders~~ at the place of business of 49381
the licensees ~~or limited permit holders~~ or any other place where 49382
such documents may be and shall be given access to such documents 49383
during normal business hours. 49384

(E)(1) Subject to division (E)(2) of this section, 49385

information and records received or generated by the board 49386
pursuant to an investigation are confidential, are not public 49387
records as defined in section 149.43 of the Revised Code, and are 49388
not subject to discovery in any civil or administrative action. 49389

(2) For good cause, the board may disclose information 49390
gathered pursuant to an investigation to any federal, state, or 49391
local law enforcement, prosecutorial, or regulatory agency or its 49392
officers or agents engaging in an investigation the board believes 49393
is within the agency's jurisdiction. An agency that receives 49394
confidential information shall comply with the same requirements 49395
regarding confidentiality as those with which the board must 49396
comply, notwithstanding any conflicting provision of the Revised 49397
Code or procedure of the agency that applies when the agency is 49398
dealing with other information in its possession. The information 49399
may be admitted into evidence in a criminal trial in accordance 49400
with the Rules of Evidence, or in an administrative hearing 49401
conducted by an agency, but the court or agency shall require that 49402
appropriate measures be taken to ensure that confidentiality is 49403
maintained with respect to any part of the information that 49404
contains names or other identifying information about patients, 49405
complainants, or others whose confidentiality was protected by the 49406
board when the information was in the board's possession. Measures 49407
to ensure confidentiality that may be taken by the court or agency 49408
include sealing its records or redacting specific information from 49409
its records. 49410

(F) The appropriate section shall conduct hearings, keep 49411
records and minutes, and enforce the relevant sections of this 49412
chapter. 49413

(G) Each section of the board shall publish and make 49414
available, upon request and for a fee not to exceed the actual 49415
cost of printing and mailing, the licensure standards prescribed 49416
by the relevant sections of this chapter and the Administrative 49417

Code. 49418

(H) The board shall submit to the governor and to the general 49419
assembly each year a report of all its official actions during the 49420
preceding year, together with any recommendations and findings 49421
with regard to the status of the professions of physical therapy, 49422
occupational therapy, and athletic training. 49423

Sec. 4755.04. As used in sections 4755.04 to 4755.13 and 49424
section 4755.99 of the Revised Code: 49425

(A) "Occupational therapy" means the therapeutic use of 49426
everyday life activities or occupations with individuals or groups 49427
for the purpose of participation in roles and situations in the 49428
home, school, workplace, community, and other settings. The 49429
practice of occupational therapy includes all of the following: 49430

(1) Methods or strategies selected to direct the process of 49431
interventions, including, but not limited to, establishment, 49432
remediation, or restoration of a skill or ability that has not yet 49433
developed or is impaired and compensation, modification, or 49434
adaptation of activity or environment to enhance performance; 49435

(2) Evaluation of factors affecting activities of daily 49436
living, instrumental activities of daily living, education, work, 49437
play, leisure, and social participation, including, but not 49438
limited to, sensory motor abilities, vision, perception, 49439
cognition, psychosocial, and communication and interaction skills; 49440

(3) Interventions and procedures to promote or enhance safety 49441
and performance in activities of daily living, education, work, 49442
play, leisure, and social participation, including, but not 49443
limited to, application of physical agent modalities, use of a 49444
range of specific therapeutic procedures to enhance performance 49445
skills, rehabilitation of driving skills to facilitate community 49446
mobility, and management of feeding, eating, and swallowing to 49447

enable eating and feeding performance; 49448

(4) Consultative services, case management, and education of 49449
patients, clients, or other individuals to promote 49450
self-management, home management, and community and work 49451
reintegration; 49452

(5) Designing, fabricating, applying, recommending, and 49453
instructing in the use of selected orthotic or prosthetic devices 49454
and other equipment which assists the individual to adapt to the 49455
individual's potential or actual impairment; 49456

(6) Administration of topical drugs that have been prescribed 49457
by a licensed health professional authorized to prescribe drugs, 49458
as defined in section 4729.01 of the Revised Code. 49459

(B) "Occupational therapist" means a person who is licensed 49460
~~or holds a limited permit~~ to practice occupational therapy and who 49461
offers such services to the public under any title incorporating 49462
the words "occupational therapy," "occupational therapist," or any 49463
similar title or description of services. 49464

(C) "Occupational therapy assistant" means a person who holds 49465
a license ~~or limited permit~~ to provide occupational therapy 49466
techniques under the general supervision of an occupational 49467
therapist. 49468

Sec. 4755.05. No person who does not hold a current license 49469
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 49470
Code shall practice or offer to practice occupational therapy, or 49471
use in connection with the person's name, or otherwise assume, 49472
use, or advertise, any title, initials, or description tending to 49473
convey the impression that the person is an occupational therapist 49474
or an occupational therapy assistant. No partnership, association, 49475
or corporation shall advertise or otherwise offer to provide or 49476
convey the impression that it is providing occupational therapy 49477

unless an individual holding a current license ~~or limited permit~~ 49478
under sections 4755.04 to 4755.13 of the Revised Code is or will 49479
at the appropriate time be rendering the occupational therapy 49480
services to which reference is made. 49481

Sec. 4755.06. The occupational therapy section of the Ohio 49482
occupational therapy, physical therapy, and athletic trainers 49483
board may make reasonable rules in accordance with Chapter 119. of 49484
the Revised Code relating to, but not limited to, the following: 49485

(A) The form and manner for filing applications for licensure 49486
under sections 4755.04 to 4755.13 of the Revised Code; 49487

(B) The issuance, suspension, and revocation of the licenses 49488
and the conducting of investigations and hearings; 49489

(C) Standards for approval of courses of study relative to 49490
the practice of occupational therapy; 49491

(D) The time and form of examination for the licensure; 49492

(E) Standards of ethical conduct in the practice of 49493
occupational therapy; 49494

(F) The form and manner for filing applications for renewal 49495
and a schedule of deadlines for renewal; 49496

(G) The conditions under which a license of a licensee who 49497
files a late application for renewal will be reinstated; 49498

~~(H) Placing an existing license in escrow;~~ 49499

~~(I)~~ The amount, scope, and nature of continuing education 49500
activities required for license renewal, including waivers of the 49501
continuing education requirements; 49502

~~(J) Guidelines for limited permits;~~ 49503

~~(K)~~(I) Requirements for criminal records checks of applicants 49504
under section 4776.03 of the Revised Code; 49505

~~(L)~~(J) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;

~~(M)~~(K) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.

The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty and truthfulness of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.

Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license to every applicant who has passed the appropriate examination designated by the section and who otherwise complies with the licensure requirements of sections 4755.04 to 4755.13 of the Revised Code. The license entitles the holder to practice occupational therapy or to assist in the practice of occupational therapy. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

~~The section may issue a limited permit to persons who have satisfied the requirements of divisions (A) and (B) of section 4755.07 of the Revised Code. This permit allows the person to practice as an occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist and is valid until the date on which the results of the examination are made public. This limited permit shall not be renewed if the applicant has failed the examination.~~

Sec. 4755.11. (A) In accordance with Chapter 119. of the 49536
Revised Code, the occupational therapy section of the Ohio 49537
occupational therapy, physical therapy, and athletic trainers 49538
board may suspend, revoke, or, except as provided in division (B) 49539
of this section, refuse to issue or renew an occupational 49540
therapist license, or occupational therapy assistant license, 49541
~~occupational therapist limited permit, occupational therapy~~ 49542
~~assistant limited permit,~~ or may reprimand, fine, place a license 49543
~~or limited permit~~ holder on probation, or require the license ~~or~~ 49544
~~limited permit~~ holder to take corrective action courses, for any 49545
of the following: 49546

(1) Conviction of, or a judicial finding of eligibility for 49547
intervention in lieu of conviction for, an offense involving moral 49548
turpitude or a felony, regardless of the state or country in which 49549
the conviction or finding occurred; 49550

(2) Violation of any provision of sections 4755.04 to 4755.13 49551
of the Revised Code; 49552

(3) Violation of any lawful order or rule of the occupational 49553
therapy section; 49554

(4) Obtaining or attempting to obtain a license ~~or limited~~ 49555
~~permit~~ issued by the occupational therapy section by fraud or 49556
deception, including the making of a false, fraudulent, deceptive, 49557
or misleading statement in relation to these activities; 49558

(5) Negligence, unprofessional conduct, or gross misconduct 49559
in the practice of the profession of occupational therapy; 49560

(6) Accepting commissions or rebates or other forms of 49561
remuneration for referring persons to other professionals; 49562

(7) Communicating, without authorization, information 49563
received in professional confidence; 49564

(8) Using controlled substances, habit forming drugs, or 49565

alcohol to an extent that it impairs the ability to perform the 49566
work of an occupational therapist, or occupational therapy 49567
assistant, ~~occupational therapist limited permit holder, or~~ 49568
~~occupational therapy assistant limited permit holder;~~ 49569

(9) Practicing in an area of occupational therapy for which 49570
the individual is untrained or incompetent; 49571

(10) Failing the licensing or Ohio jurisprudence examination; 49572

(11) Aiding, abetting, directing, or supervising the 49573
unlicensed practice of occupational therapy; 49574

(12) Denial, revocation, suspension, or restriction of 49575
authority to practice a health care occupation, including 49576
occupational therapy, for any reason other than a failure to 49577
renew, in Ohio or another state or jurisdiction; 49578

(13) Except as provided in division (C) of this section: 49579

(a) Waiving the payment of all or any part of a deductible or 49580
copayment that a patient, pursuant to a health insurance or health 49581
care policy, contract, or plan that covers occupational therapy, 49582
would otherwise be required to pay if the waiver is used as an 49583
enticement to a patient or group of patients to receive health 49584
care services from that provider; 49585

(b) Advertising that the individual will waive the payment of 49586
all or any part of a deductible or copayment that a patient, 49587
pursuant to a health insurance or health care policy, contract, or 49588
plan that covers occupational therapy, would otherwise be required 49589
to pay. 49590

(14) Working or representing oneself as an occupational 49591
therapist, or occupational therapy assistant, ~~occupational~~ 49592
~~therapist limited permit holder, or occupational therapy assistant~~ 49593
~~limited permit holder~~ without a current and valid license ~~or~~ 49594
~~limited permit~~ issued by the occupational therapy section; 49595

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	49596 49597
(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;	49598 49599 49600
(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders , whether or not actual injury to a patient is established;	49601 49602 49603
(18) An adjudication by a court that the applicant, <u>or</u> licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;	49604 49605 49606 49607
(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.	49608 49609 49610 49611 49612 49613
(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.	49614 49615 49616 49617 49618
(20) Conviction of, <u>or a judicial finding of eligibility for intervention in lieu of conviction for</u> , a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction <u>or finding</u> occurred;	49619 49620 49621 49622
(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	49623 49624 49625 49626

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license ~~or limited permit~~ to practice; 49627
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(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy; 49630
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(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code; 49633
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(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant: 49636
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49638

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code; 49639
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(b) Sexual contact, as defined in section 2907.01 of the Revised Code; 49641
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(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 49643
49644
49645

(B) The occupational therapy section shall not refuse to issue a license ~~or limited permit~~ to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 49646
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(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows: 49650
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49652

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of 49653
49654
49655
49656

the consent shall be made available to the section upon request. 49657

(2) For professional services rendered to any other person 49658
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 49659
Code to the extent allowed by those sections and the rules of the 49660
occupational therapy section. 49661

(D) Except as provided in division (E) of this section, the 49662
suspension or revocation of a license ~~or limited permit~~ under this 49663
section is not effective until either the order for suspension or 49664
revocation has been affirmed following an adjudication hearing, or 49665
the time for requesting a hearing has elapsed. 49666

When a license ~~or limited permit~~ is revoked under this 49667
section, application for reinstatement may not be made sooner than 49668
one year after the date of revocation. The occupational therapy 49669
section may accept or refuse an application for reinstatement and 49670
may require that the applicant pass an examination as a condition 49671
of reinstatement. 49672

When a license ~~or limited permit~~ holder is placed on 49673
probation under this section, the occupational therapy section's 49674
probation order shall be accompanied by a statement of the 49675
conditions under which the individual may be removed from 49676
probation and restored to unrestricted practice. 49677

(E) On receipt of a complaint that a person who holds a 49678
license ~~or limited permit~~ issued by the occupational therapy 49679
section has committed any of the prohibited actions listed in 49680
division (A) of this section, the section may immediately suspend 49681
the license ~~or limited permit~~ prior to holding a hearing in 49682
accordance with Chapter 119. of the Revised Code if it determines, 49683
based on the complaint, that the licensee ~~or limited permit holder~~ 49684
poses an immediate threat to the public. The section may review 49685
the allegations and vote on the suspension by telephone conference 49686
call. If the section votes to suspend a license ~~or limited permit~~ 49687

under this division, the section shall issue a written order of 49688
summary suspension to the licensee ~~or limited permit holder~~ in 49689
accordance with section 119.07 of the Revised Code. If the 49690
individual whose license ~~or limited permit~~ is suspended fails to 49691
make a timely request for an adjudication under Chapter 119. of 49692
the Revised Code, the section shall enter a final order 49693
permanently revoking the individual's license ~~or limited permit~~. 49694
Notwithstanding section 119.12 of the Revised Code, a court of 49695
common pleas shall not grant a suspension of the section's order 49696
of summary suspension pending the determination of an appeal filed 49697
under that section. Any order of summary suspension issued under 49698
this division shall remain in effect, unless reversed on appeal, 49699
until a final adjudication order issued by the section pursuant to 49700
division (A) of this section becomes effective. The section shall 49701
issue its final adjudication order regarding an order of summary 49702
suspension issued under this division not later than ninety days 49703
after completion of its hearing. Failure to issue the order within 49704
ninety days shall result in immediate dissolution of the 49705
suspension order, but shall not invalidate any subsequent, final 49706
adjudication order. 49707

(F) If any person other than a person who holds a license ~~or~~ 49708
~~limited permit~~ issued under section 4755.08 of the Revised Code 49709
has engaged in any practice that is prohibited under sections 49710
4755.04 to 4755.13 of the Revised Code or the rules of the 49711
occupational therapy section, the section may apply to the court 49712
of common pleas of the county in which the violation occurred, for 49713
an injunction or other appropriate order restraining this conduct, 49714
and the court shall issue this order. 49715

Sec. 4755.12. (A) The occupational therapy section of the 49716
Ohio occupational therapy, physical therapy, and athletic trainers 49717
board may charge any or all of the following fees: 49718

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;	49719 49720
(2) An application fee for an initial license;	49721
(3) An initial licensure fee;	49722
(4) A fee for biennial renewal of a license;	49723
(5) A fee for late renewal of a license;	49724
(6) A fee for the review of continuing education activities;	49725
(7) A fee for a limited permit;	49726
(8) A fee for verification of a license.	49727
(B) Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active practice, as defined by section rule, may register with the section as a nonactive licensee at a biennial fee.	49728 49729 49730 49731
(C) The section may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.	49732 49733 49734
(D) (C) Except when all or part of a fee is waived under division (C) (B) of this section, the amount charged by the occupational therapy section for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.	49735 49736 49737 49738 49739
Sec. 4755.42. (A) Each person who desires to practice seeking licensure as a physical therapy therapist shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:	49740 49741 49742 49743 49744
(1) Name;	49745
(2) Current address;	49746

(3) ~~Physical description and photograph;~~ 49747

(4) Proof of ~~completion of~~ graduation from a ~~master's or~~ 49748
~~docterate~~ professional physical therapy program of physical 49749
~~therapy education~~ that is accredited by a national physical 49750
therapy accreditation agency ~~recognized~~ approved by the United 49751
States ~~department of education and that includes:~~ 49752

(a) ~~A minimum of one hundred twenty academic semester credits~~ 49753
~~or its equivalent, including courses in the biological and other~~ 49754
~~physical sciences;~~ 49755

(b) ~~A course in physical therapy education that has provided~~ 49756
~~instruction in basic sciences, clinical sciences, and physical~~ 49757
~~therapy theory and procedures~~ physical therapy section. 49758

(B) On making application under division (A) of this section, 49759
the applicant shall pay a fee of not more than one hundred 49760
twenty-five dollars for the license. 49761

(C) The physical therapy section shall approve an ~~application~~ 49762
applicant to sit for the examination required under division (A) 49763
of section 4755.43 of the Revised Code not later than one hundred 49764
twenty days after receiving an application that the section 49765
considers complete unless the board has done either of the 49766
following: 49767

(1) Requested documents relevant to the section's evaluation 49768
of the application; 49769

(2) Notified the applicant in writing of the section's intent 49770
to deny a license and the applicant's right to request a hearing 49771
in accordance with Chapter 119. of the Revised Code to appeal the 49772
section's intent to deny a license. 49773

(D) If the section fails to comply with division (C) of this 49774
section, the section shall refund one-half of the application fee 49775
to the applicant. 49776

Sec. 4755.421. (A) Each ~~applicant~~ person seeking licensure as a physical therapist assistant shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

(1) Name;

(2) Current address;

(3) ~~Physical description and photograph;~~

~~(4) Proof of completion of graduation from a professional physical therapist assistant program of education that is accredited by a national physical therapy accreditation agency recognized approved by the United States department of education physical therapy section.~~

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C)(1) The physical therapy section shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(a) Requested documents relevant to the section's evaluation of the application;

(b) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(2) If the section fails to comply with division (C)(1) of this section, the section shall refund half of the application fee

to the applicant. 49807

Sec. 4755.47. (A) In accordance with Chapter 119. of the 49808
Revised Code, the physical therapy section of the Ohio 49809
occupational therapy, physical therapy, and athletic trainers 49810
board may, except as provided in division (B) of this section, 49811
refuse to grant a license to an applicant for an initial or 49812
renewed license as a physical therapist or physical therapist 49813
assistant or, by an affirmative vote of not less than five 49814
members, may limit, suspend, or revoke the license of a physical 49815
therapist or physical therapist assistant or reprimand, fine, 49816
place a license holder on probation, or require the license holder 49817
to take corrective action courses, on any of the following 49818
grounds: 49819

(1) Habitual indulgence in the use of controlled substances, 49820
other habit-forming drugs, or alcohol to an extent that affects 49821
the individual's professional competency; 49822

(2) Conviction of, or a judicial finding of eligibility for 49823
intervention in lieu of conviction for, a felony or a crime 49824
involving moral turpitude, regardless of the state or country in 49825
which the conviction or finding occurred; 49826

(3) Obtaining or attempting to obtain a license issued by the 49827
physical therapy section by fraud or deception, including the 49828
making of a false, fraudulent, deceptive, or misleading statement; 49829

(4) An adjudication by a court, as provided in section 49830
5122.301 of the Revised Code, that the applicant or licensee is 49831
incompetent for the purpose of holding the license and has not 49832
thereafter been restored to legal capacity for that purpose; 49833

(5) Subject to section 4755.471 of the Revised Code, 49834
violation of the code of ethics adopted by the physical therapy 49835
section; 49836

- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;
- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;
- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	49867 49868
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	49869 49870 49871 49872
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	49873 49874 49875 49876
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	49877 49878 49879
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	49880 49881 49882 49883 49884 49885
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	49886 49887 49888 49889 49890
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	49891 49892 49893 49894
(23) <u>Conviction, or a judicial finding of eligibility for intervention in lieu of conviction for,</u> of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of	49895 49896 49897

physical therapy; 49898

(24)(a) Except as provided in division (A)(24)(b) of this 49899
section, failure to cooperate with an investigation conducted by 49900
the physical therapy section, including failure to comply with a 49901
subpoena or orders issued by the section or failure to answer 49902
truthfully a question presented by the section at a deposition or 49903
in written interrogatories. 49904

(b) Failure to cooperate with an investigation does not 49905
constitute grounds for discipline under this section if a court of 49906
competent jurisdiction issues an order that either quashes a 49907
subpoena or permits the individual to withhold the testimony or 49908
evidence at issue. 49909

(25) Regardless of whether ~~the contact or verbal behavior it~~ it 49910
is consensual, engaging in any of the following with a patient 49911
other than the spouse of the physical therapist or physical 49912
therapist assistant, ~~in any of the following:~~ 49913

(a) Sexual conduct, as defined in section 2907.01 of the 49914
Revised Code; 49915

(b) Sexual contact, as defined in section 2907.01 of the 49916
Revised Code; 49917

~~(b)~~(c) Verbal behavior that is sexually demeaning to the 49918
patient or may be reasonably interpreted by the patient as 49919
sexually demeaning. 49920

(26) Failure to notify the physical therapy section of a 49921
change in name, business address, or home address within thirty 49922
days after the date of change; 49923

(27) Except as provided in division (C) of this section: 49924

(a) Waiving the payment of all or any part of a deductible or 49925
copayment that a patient, pursuant to a health insurance or health 49926
care policy, contract, or plan that covers physical therapy, would 49927

otherwise be required to pay if the waiver is used as an 49928
enticement to a patient or group of patients to receive health 49929
care services from that provider; 49930

(b) Advertising that the individual will waive the payment of 49931
all or any part of a deductible or copayment that a patient, 49932
pursuant to a health insurance or health care policy, contract, or 49933
plan that covers physical therapy, would otherwise be required to 49934
pay. 49935

(28) Violation of any section of this chapter or rule adopted 49936
under it. 49937

(B) The physical therapy section shall not refuse to issue a 49938
license to an applicant because of a criminal conviction unless 49939
the refusal is in accordance with section 9.79 of the Revised 49940
Code. 49941

(C) Sanctions shall not be imposed under division (A)(27) of 49942
this section against any individual who waives deductibles and 49943
copayments as follows: 49944

(1) In compliance with the health benefit plan that expressly 49945
allows such a practice. Waiver of the deductibles or copayments 49946
shall be made only with the full knowledge and consent of the plan 49947
purchaser, payer, and third-party administrator. Documentation of 49948
the consent shall be made available to the physical therapy 49949
section upon request. 49950

(2) For professional services rendered to any other person 49951
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 49952
Code to the extent allowed by those sections and the rules of the 49953
physical therapy section. 49954

(D) When a license is revoked under this section, application 49955
for reinstatement may not be made sooner than one year after the 49956
date of revocation. The physical therapy section may accept or 49957
refuse an application for reinstatement and may require that the 49958

applicant pass an examination as a condition for reinstatement. 49959

When a license holder is placed on probation under this 49960
section, the physical therapy section's order for placement on 49961
probation shall be accompanied by a statement of the conditions 49962
under which the individual may be removed from probation and 49963
restored to unrestricted practice. 49964

(E) When an application for an initial or renewed license is 49965
refused under this section, the physical therapy section shall 49966
notify the applicant in writing of the section's decision to 49967
refuse issuance of a license and the reason for its decision. 49968

(F) On receipt of a complaint that a person licensed by the 49969
physical therapy section has committed any of the actions listed 49970
in division (A) of this section, the physical therapy section may 49971
immediately suspend the license of the physical therapist or 49972
physical therapist assistant prior to holding a hearing in 49973
accordance with Chapter 119. of the Revised Code if it determines, 49974
based on the complaint, that the person poses an immediate threat 49975
to the public. The physical therapy section may review the 49976
allegations and vote on the suspension by telephone conference 49977
call. If the physical therapy section votes to suspend a license 49978
under this division, the physical therapy section shall issue a 49979
written order of summary suspension to the person in accordance 49980
with section 119.07 of the Revised Code. If the person fails to 49981
make a timely request for an adjudication under Chapter 119. of 49982
the Revised Code, the physical therapy section shall enter a final 49983
order permanently revoking the person's license. Notwithstanding 49984
section 119.12 of the Revised Code, a court of common pleas shall 49985
not grant a suspension of the physical therapy section's order of 49986
summary suspension pending the determination of an appeal filed 49987
under that section. Any order of summary suspension issued under 49988
this division shall remain in effect, unless reversed on appeal, 49989
until a final adjudication order issued by the physical therapy 49990

section pursuant to division (A) of this section becomes 49991
effective. The physical therapy section shall issue its final 49992
adjudication order regarding an order of summary suspension issued 49993
under this division not later than ninety days after completion of 49994
its hearing. Failure to issue the order within ninety days shall 49995
result in immediate dissolution of the suspension order, but shall 49996
not invalidate any subsequent, final adjudication order. 49997

Sec. 4755.48. (A) No person shall employ fraud or deception 49998
in applying for or securing a license to practice physical therapy 49999
or to be a physical therapist assistant. 50000

(B) No person shall practice or in any way imply or claim to 50001
the public by words, actions, or the use of letters as described 50002
in division (C) of this section to be able to practice physical 50003
therapy or to provide physical therapy services, including 50004
practice as a physical therapist assistant, unless the person 50005
holds a valid license under sections 4755.40 to 4755.56 of the 50006
Revised Code or except for submission of claims as provided in 50007
section 4755.56 of the Revised Code. 50008

(C) No person shall use the words or letters, physical 50009
therapist, physical therapy, physical therapy services, 50010
physiotherapist, physiotherapy, physiotherapy services, licensed 50011
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 50012
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 50013
therapist assistant, physical therapy technician, licensed 50014
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 50015
letters, words, abbreviations, or insignia, indicating or implying 50016
that the person is a physical therapist or physical therapist 50017
assistant without a valid license under sections 4755.40 to 50018
4755.56 of the Revised Code. 50019

(D) No person who practices physical therapy or assists in 50020
the provision of physical therapy treatments under the supervision 50021

of a physical therapist shall fail to display the person's current 50022
license granted under sections 4755.40 to 4755.56 of the Revised 50023
Code in a conspicuous location in the place where the person 50024
spends the major part of the person's time so engaged. 50025

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 50026
Code shall affect or interfere with the performance of the duties 50027
of any physical therapist or physical therapist assistant in 50028
active service in the army, navy, coast guard, marine corps, air 50029
force, public health service, or marine hospital service of the 50030
United States, while so serving. 50031

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 50032
Code shall prevent or restrict the activities or services of a 50033
person pursuing a course of study leading to a degree in physical 50034
therapy in an accredited or approved educational program if the 50035
activities or services constitute a part of a supervised course of 50036
study and the person is designated by a title that clearly 50037
indicates the person's status as a student. 50038

(G)(1) Subject to division (G)(2) of this section, nothing in 50039
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 50040
restrict the activities or services of any person who holds a 50041
current, unrestricted license to practice physical therapy in 50042
another state when that person, pursuant to contract or employment 50043
with an athletic team located in the state in which the person 50044
holds the license, provides physical therapy to any of the 50045
following while the team is traveling to or from or participating 50046
in a sporting event in this state: 50047

(a) A member of the athletic team; 50048

(b) A member of the athletic team's coaching, communications, 50049
equipment, or sports medicine staff; 50050

(c) A member of a band or cheerleading squad accompanying the 50051
athletic team; 50052

(d) The athletic team's mascot.	50053
(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:	50054 50055
(a) Provide physical therapy at a health care facility;	50056
(b) Provide physical therapy for more than sixty days in a calendar year.	50057 50058
(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	50059 50060 50061 50062 50063
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	50064 50065
(b) Practice as a physician assistant;	50066
(c) Practice nursing as an advanced practice registered nurse.	50067 50068
(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:	50069 50070 50071 50072 50073
(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency recognized <u>approved</u> by the United States department of education <u>physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.</u>	50074 50075 50076 50077 50078 50079
(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.	50080 50081 50082

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H)(1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice.

(J) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

(1) Conviction, or a judicial finding of eligibility for intervention in lieu of conviction for, of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction or finding occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of athletic training;

(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers

section under section 4755.61 of the Revised Code;	50113
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	50114 50115 50116
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	50117 50118 50119 50120 50121 50122
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	50123 50124 50125
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	50126 50127 50128 50129
(10) Failing the licensing examination;	50130
(11) Aiding or abetting the unlicensed practice of athletic training;	50131 50132
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	50133 50134 50135 50136
<u>(13) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the athletic trainer:</u>	50137 50138 50139
<u>(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;</u>	50140 50141
<u>(b) Sexual contact, as defined in section 2907.01 of the</u>	50142

Revised Code; 50143

(c) Verbal behavior that is sexually demeaning to the patient 50144
or may be reasonably interpreted by the patient as sexually 50145
demeaning. 50146

(B) The athletic trainers section shall not refuse to issue a 50147
license to an applicant because of a criminal conviction unless 50148
the refusal is in accordance with section 9.79 of the Revised 50149
Code. 50150

(C) If the athletic trainers section places a licensee on 50151
probation under division (A) of this section, the section's order 50152
for placement on probation shall be accompanied by a written 50153
statement of the conditions under which the person may be removed 50154
from probation and restored to unrestricted practice. 50155

(D) A licensee whose license has been revoked under division 50156
(A) of this section may apply to the athletic trainers section for 50157
reinstatement of the license one year following the date of 50158
revocation. The athletic trainers section may accept or deny the 50159
application for reinstatement and may require that the applicant 50160
pass an examination as a condition for reinstatement. 50161

(E) On receipt of a complaint that a person licensed by the 50162
athletic trainers section has committed any of the prohibited 50163
actions listed in division (A) of this section, the section may 50164
immediately suspend the license of a licensed athletic trainer 50165
prior to holding a hearing in accordance with Chapter 119. of the 50166
Revised Code if it determines, based on the complaint, that the 50167
licensee poses an immediate threat to the public. The section may 50168
review the allegations and vote on the suspension by telephone 50169
conference call. If the section votes to suspend a license under 50170
this division, the section shall issue a written order of summary 50171
suspension to the licensed athletic trainer in accordance with 50172
section 119.07 of the Revised Code. If the individual whose 50173

license is suspended fails to make a timely request for an 50174
adjudication under Chapter 119. of the Revised Code, the section 50175
shall enter a final order permanently revoking the individual's 50176
license. Notwithstanding section 119.12 of the Revised Code, a 50177
court of common pleas shall not grant a suspension of the 50178
section's order of summary suspension pending the determination of 50179
an appeal filed under that section. Any order of summary 50180
suspension issued under this division shall remain in effect, 50181
unless reversed on appeal, until a final adjudication order issued 50182
by the section pursuant to division (A) of this section becomes 50183
effective. The section shall issue its final adjudication order 50184
regarding an order of summary suspension issued under this 50185
division not later than ninety days after completion of its 50186
hearing. Failure to issue the order within ninety days shall 50187
result in immediate dissolution of the suspension order, but shall 50188
not invalidate any subsequent, final adjudication order. 50189

Sec. 4757.10. (A) The counselor, social worker, and marriage 50190
and family therapist board may adopt any rules necessary to carry 50191
out this chapter. 50192

(B) The board shall adopt rules that do all of the following: 50193

(1) Concern intervention for and treatment of any impaired 50194
person holding a license or certificate of registration issued 50195
under this chapter; 50196

(2) Establish standards for training and experience of 50197
supervisors described in division (C) of section 4757.30 of the 50198
Revised Code; 50199

(3) Establish requirements for criminal records checks of 50200
applicants under section 4776.03 of the Revised Code; 50201

(4) Establish a graduated system of fines based on the scope 50202
and severity of violations and the history of compliance, not to 50203

exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; 50204
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(5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code; 50207
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(6) Provide for voluntary registration of all of the following: 50210
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(a) Master's level counselor trainees enrolled in practice and internships; 50212
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(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 50214
50215

(c) Master's level marriage and family therapist trainees enrolled in practice and internships. 50216
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(7) In the case of an individual who is voluntarily registered as a trainee under division (B)(6) of this section and who has graduated but not yet completed all requirements for licensure, provide for an extension of the individual's registration for a period of six months beginning on the date of the individual's graduation. 50218
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(8) Establish a schedule of deadlines for renewal. 50224

(C) Rules adopted under division (B)(6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 50225
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(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of 50229
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those involved in professional counseling, social work, or 50234
marriage and family therapy. 50235

Sec. 4763.15. Except for moneys required to be transferred 50236
into the real estate appraiser recovery fund pursuant to section 50237
4763.16 of the Revised Code or as required pursuant to this 50238
section, the superintendent of real estate may deposit all fees 50239
collected under this chapter into the state treasury to the credit 50240
of the real estate appraiser operating fund, which is hereby 50241
created. All operating expenses of the real estate appraiser board 50242
and the superintendent of real estate relating to the 50243
administration and enforcement of this chapter and Chapter 4768. 50244
of the Revised Code shall be paid from this fund. The fund shall 50245
be assessed a proportionate share of the administrative cost of 50246
the department of commerce in accordance with procedures 50247
prescribed by the director of commerce ~~and approved by the~~ 50248
~~director of budget and management,~~ and the assessment shall be 50249
paid from the operating fund to the division of administration 50250
fund. 50251

If, in any biennium, the director of commerce determines that 50252
moneys in the operating fund exceed those necessary to fund the 50253
activities of the board and of the superintendent of real estate 50254
that relate to this chapter and Chapter 4768. of the Revised Code, 50255
the director may pay the excess funds to the real estate appraiser 50256
recovery fund. 50257

Sec. 4779.28. (A) The Ohio occupational therapy, physical 50258
therapy, and athletic trainers board ~~may~~, pursuant to an 50259
adjudication under Chapter 119. of the Revised Code, and except as 50260
provided in division (B) of this section, may limit, revoke, or 50261
suspend a license issued under this chapter, may refuse to issue a 50262
license to an applicant, or may reprimand ~~or~~, fine, place a 50263
license holder on probation ~~a~~, or may require the license holder 50264

<u>to take corrective action courses,</u> for any of the following	50265
reasons:	50266
(1) Conviction of, or a plea of guilty to, <u>or a judicial</u>	50267
<u>finding of eligibility for intervention in lieu of conviction for,</u>	50268
a misdemeanor or felony involving moral turpitude;	50269
(2) Any violation of this chapter;	50270
(3) Committing fraud, misrepresentation, or deception in	50271
applying for or securing a license issued under this chapter;	50272
(4) Habitual use of drugs or intoxicants to the extent that	50273
it renders the person unfit to practice;	50274
(5) Violation of any rule adopted by the board under section	50275
4779.08 of the Revised Code;	50276
(6) A departure from, or failure to conform to, minimal	50277
standards of care of similar orthotists, prosthetists,	50278
orthotists-prosthetists, or pedorthists under the same or similar	50279
circumstances, regardless of whether actual injury to a patient is	50280
established;	50281
(7) Obtaining or attempting to obtain money or anything of	50282
value by fraudulent misrepresentation in the course of practice;	50283
(8) Publishing a false, fraudulent, deceptive, or misleading	50284
statement;	50285
(9) Waiving the payment of all or part of a deductible or	50286
copayment that a patient, pursuant to a health insurance or health	50287
care policy, contract, or plan, would otherwise be required to	50288
pay, if the waiver is used as an enticement to a patient or group	50289
of patients to receive health care services from a person who	50290
holds a license issued under this chapter;	50291
(10) Advertising that a person who holds a license issued	50292
under this chapter will waive the payment of all or part of a	50293

deductible or copayment that a patient, pursuant to a health 50294
insurance or health care policy, contract, or plan, that covers 50295
the person's services, would otherwise be required to pay; 50296

(11) Denial, revocation, suspension, or restriction of 50297
authority to practice a health care occupation, including 50298
orthotics, prosthetics, or pedorthics, for any reason other than a 50299
failure to renew, in Ohio or another state or jurisdiction; 50300

(12) Regardless of whether it is consensual, engaging in any 50301
of the following with a patient other than the spouse of the 50302
orthotist, prosthetist, orthotist-prosthetist, or pedorthist: 50303

(a) Sexual contact, as defined in section 2907.01 of the 50304
Revised Code; 50305

(b) Sexual conduct, as defined in section 2907.01 of the 50306
Revised Code; 50307

(c) Verbal behavior that is sexually demeaning to the patient 50308
or may be reasonably interpreted by the patient as sexually 50309
demeaning. 50310

(B) The board shall not refuse to issue a license to an 50311
applicant because of a conviction of or plea of guilty to an 50312
offense unless the refusal is in accordance with section 9.79 of 50313
the Revised Code. 50314

(C) For the purpose of investigating whether a person is 50315
engaging or has engaged in conduct described in division (A) of 50316
this section, the board may administer oaths, order the taking of 50317
depositions, issue subpoenas, examine witnesses, and compel the 50318
attendance of witnesses and production of books, accounts, papers, 50319
records, documents, and testimony. 50320

Sec. 4779.281. A person sanctioned under section 4779.28 of 50321
the Revised Code shall pay a fee in the amount of the actual cost 50322
of the administrative hearing, including the cost of the court 50323

reporter, the hearing officer, transcripts, and any witness fees 50324
for lodging and travel, as determined by the Ohio occupational 50325
therapy, physical therapy, and athletic trainers board. The fee 50326
shall be collected by the board. 50327

Sec. 4779.33. (A) The Ohio occupational therapy, physical 50328
therapy, and athletic trainers board shall enforce the laws 50329
relating to the practice of orthotics, prosthetics, and 50330
pedorthics. If the ~~secretary of the board~~ has knowledge of a 50331
violation, the ~~secretary~~ board shall investigate the violation and 50332
notify the prosecuting attorney of the proper county. 50333

(B)(1) Subject to division (B)(2) of this section, 50334
information and records received or generated by the board 50335
pursuant to an investigation are confidential, are not public 50336
records as defined in section 149.43 of the Revised Code, and are 50337
not subject to discovery in any civil or administrative action. 50338

(2) For good cause, the board may disclose information 50339
gathered pursuant to an investigation to any federal, state, or 50340
local law enforcement, prosecutorial, or regulatory agency or its 50341
officers or agents engaging in an investigation the board believes 50342
is within the agency's jurisdiction. An agency that receives 50343
confidential information shall comply with the same requirements 50344
regarding confidentiality as those with which the board must 50345
comply, notwithstanding any conflicting provision of the Revised 50346
Code or procedure of the agency that applies when the agency is 50347
dealing with other information in its possession. The information 50348
may be admitted into evidence in a criminal trial in accordance 50349
with the Rules of Evidence, or in an administrative hearing 50350
conducted by an agency, but the court or agency shall require that 50351
appropriate measures be taken to ensure that confidentiality is 50352
maintained with respect to any part of the information that 50353
contains names or other identifying information about patients, 50354

complainants, or others whose confidentiality was protected by the 50355
board when the information was in the board's possession. Measures 50356
to ensure confidentiality that may be taken by the court or agency 50357
include sealing its records or redacting specific information from 50358
its records. 50359

Sec. 4781.04. (A) The department of commerce, division of 50360
industrial compliance shall adopt rules pursuant to Chapter 119. 50361
of the Revised Code to do all of the following: 50362

(1) Establish uniform standards that govern the installation 50363
of manufactured housing that are consistent with, and not less 50364
stringent than, the model standards for the design and 50365
installation of manufactured housing the secretary of the United 50366
States department of housing and urban development adopts; 50367

(2) Govern the inspection of the installation of manufactured 50368
housing. The rules shall specify that the division of industrial 50369
compliance, any building department or personnel of any 50370
department, or any private third party, certified pursuant to 50371
section 4781.07 of the Revised Code shall conduct all inspections 50372
of the installation of manufactured housing located in 50373
manufactured home parks to determine compliance with the uniform 50374
installation standards the division of industrial compliance 50375
establishes pursuant to this section. 50376

(3) Govern the design, construction, installation, approval, 50377
and inspection of foundations and the base support systems for 50378
manufactured housing. The rules shall specify that the division of 50379
industrial compliance, any building department or personnel of any 50380
department, or any private third party, certified pursuant to 50381
section 4781.07 of the Revised Code shall conduct all inspections 50382
of the installation, foundations, and base support systems of 50383
manufactured housing located in manufactured home parks to 50384
determine compliance with the uniform installation standards and 50385

foundation and base support system design the division of 50386
industrial compliance establishes pursuant to this section. 50387

(4) Govern the training, experience, and education 50388
requirements for manufactured housing installers; 50389

(5) Establish a code of ethics for manufactured housing 50390
installers; 50391

(6) Govern the issuance, revocation, and suspension of 50392
licenses to manufactured housing installers; 50393

(7) Establish fees for the issuance and renewal of licenses, 50394
for conducting inspections to determine an applicant's compliance 50395
with this chapter and the rules adopted pursuant to it, and for 50396
the division's expenses incurred in implementing this chapter; 50397

(8) Establish conditions under which a licensee may enter 50398
into contracts to fulfill the licensee's responsibilities; 50399

(9) Govern the investigation of complaints concerning any 50400
complaints involving the conduct of any licensed manufactured 50401
housing installer or person installing manufactured housing 50402
without a license; 50403

(10) Establish a dispute resolution program for the timely 50404
resolution of warranty issues involving new manufactured homes, 50405
disputes regarding responsibility for the correction or repair of 50406
defects in manufactured housing, and the installation of 50407
manufactured housing. The rules shall provide for the timely 50408
resolution of disputes between manufacturers, manufactured housing 50409
dealers, and installers regarding the correction or repair of 50410
defects in manufactured housing that are reported by the purchaser 50411
of the home during the one-year period beginning on the date of 50412
installation of the home. The rules also shall provide that 50413
decisions made regarding the dispute under the program are not 50414
binding upon the purchaser of the home or the other parties 50415
involved in the dispute unless the purchaser so agrees in a 50416

written acknowledgement that the purchaser signs and delivers to	50417
the program within ten business days after the decision is issued.	50418
(11) Establish the requirements and procedures for the	50419
certification of building departments and building department	50420
personnel pursuant to section 4781.07 of the Revised Code;	50421
(12) Establish fees to be charged to building departments and	50422
building department personnel applying for certification and	50423
renewal of certification pursuant to section 4781.07 of the	50424
Revised Code;	50425
(13) Develop a policy regarding the maintenance of records	50426
for any inspection authorized or conducted pursuant to this	50427
chapter. Any record maintained under division (A)(13) of this	50428
section shall be a public record under section 149.43 of the	50429
Revised Code.	50430
(B) The division of industrial compliance shall do all of the	50431
following:	50432
(1) Prepare and administer a licensure examination to	50433
determine an applicant's knowledge of manufactured housing	50434
installation and other aspects of installation the division	50435
determines appropriate;	50436
(2) Select, provide, or procure appropriate examination	50437
questions and answers for the licensure examination and establish	50438
the criteria for successful completion of the examination;	50439
(3) Prepare and distribute any application form sections	50440
4781.01 to 4781.11 of the Revised Code require;	50441
(4) Receive applications for licenses and renewal of licenses	50442
and issue licenses to qualified applicants;	50443
(5) Establish procedures for processing, approving, and	50444
disapproving applications for licensure;	50445
(6) Retain records of applications for licensure, including	50446

all application materials submitted and a written record of the 50447
action taken on each application; 50448

(7) Review the design and plans for manufactured housing 50449
installations, foundations, and support systems; 50450

(8) Inspect a sample of homes at a percentage the division 50451
determines to evaluate the construction and installation of 50452
manufactured housing installations, foundations, and support 50453
systems to determine compliance with the standards the division 50454
adopts; 50455

(9) Investigate complaints concerning violations of this 50456
chapter or the rules adopted pursuant to it, or the conduct of any 50457
manufactured housing installer; 50458

(10) Determine appropriate disciplinary actions for 50459
violations of this chapter; 50460

(11) Conduct audits and inquiries of manufactured housing 50461
installers as appropriate for the enforcement of this chapter. The 50462
division, or any person the division employs for the purpose, may 50463
review and audit the business records of any manufactured housing 50464
installer during normal business hours. 50465

(12) Approve an installation training course, which may be 50466
offered by the Ohio manufactured homes association or other 50467
entity. 50468

(C) Nothing in this section, or in any rule adopted by the 50469
division of industrial compliance, shall be construed to limit the 50470
authority of a board of health to enforce section 3701.344 or 50471
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 50472
authority of the department of administrative services to lease 50473
space for the use of a state agency and to group together state 50474
offices in any city in the state as provided in section 123.01 of 50475
the Revised Code. 50476

(D) The department of commerce, division of real estate and professional licensing may adopt rules pursuant to Chapter 119. of the Revised Code necessary for administration of the provisions of this chapter related to manufactured home dealers, brokers, and salespersons.

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Sec. 4781.07. (A) Pursuant to rules the division of industrial compliance adopts, the division may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years.

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(B) Following an investigation and finding of facts that support its action, the division of industrial compliance may revoke or suspend certification. The division may initiate an investigation on the division's own motion or the petition of a person affected by the enforcement or approval of plans.

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(C)(1) If a township, municipal corporation, 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 that has been certified pursuant to this section to exercise the ~~commission's~~ division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. The designation is effective upon acceptance by the designee.

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(2) An owner of a manufactured home or an operator of a manufactured home park may request an inspection and obtain an

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approval described in division (C)(1) of this section from any 50508
building department certified pursuant to this section designated 50509
by the township, municipal corporation, or county in which the 50510
owner's manufactured home or operator's manufactured home park is 50511
located. 50512

Sec. 4781.281. (A) The ~~manufactured homes commission~~ division 50513
of industrial compliance may charge a fee for inspector 50514
certification. The fees shall include all of the following: 50515

(1) The nonrefundable certification fee for inspectors shall 50516
not be greater than fifty dollars for each three-year 50517
certification period. 50518

(2) The nonrefundable certification renewal fee for 50519
inspectors shall not be greater than fifty dollars. 50520

(3) The nonrefundable late fee for certification renewal 50521
shall not be greater than twenty-five dollars in addition to the 50522
renewal fee. 50523

(B) The ~~commission~~ division may adopt rules pursuant to 50524
Chapter 119. of the Revised Code establishing fees less than those 50525
described in division (A) of this section. 50526

Sec. 4781.56. (A) The ~~manufactured homes commission~~ division 50527
of industrial compliance may contract with the board of health of 50528
a city or general health district to permit the ~~commission~~ 50529
division to abate and remove, in accordance with sections 3707.01 50530
to 3707.021 of the Revised Code, any abandoned or unoccupied 50531
manufactured home, mobile home, or recreational vehicle that 50532
constitutes a nuisance and that is located in a manufactured home 50533
park within the board of health's jurisdiction. Under the 50534
contract, the ~~commission~~ division may receive complaints of 50535
abandoned or unoccupied manufactured homes, mobile homes, or 50536
recreational vehicles that constitute a nuisance and may, by 50537

order, compel the park operator to abate and remove the nuisance. 50538
The park operator shall pay any costs for the removal. 50539

(B) The sheriff, police officer, constable, or bailiff shall 50540
not be liable pursuant to the abatement or removal of any 50541
abandoned or unoccupied manufactured home, mobile home, or 50542
recreational vehicle pursuant to this section. 50543

Sec. 4781.57. The park operator of a manufactured home park 50544
shall ensure that all manufactured home park buildings, lots, 50545
streets, walkways, manufactured homes, mobile homes, and other 50546
facilities located in the manufactured home park shall be 50547
maintained in a condition satisfactory to the ~~commission~~ division 50548
at all times. 50549

Sec. 4901.10. The office of the public utilities commission 50550
shall be at the seat of government in Columbus, in suitable 50551
quarters provided by the state, and shall be open ~~between~~ 50552
~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 50553
Saturdays, Sundays, and legal holidays excepted. The commission 50554
shall hold its sessions at least once in each calendar month in 50555
Columbus, but also may meet at such other times and places as are 50556
necessary for the proper performance of its duties. For the 50557
purpose of holding sessions in places other than the seat of 50558
government, the commission may rent quarters or offices, the 50559
expense of which, in connection therewith, shall be paid in the 50560
same manner as other authorized expenses. 50561

Sec. 4906.02. (A) There is hereby created within the public 50562
utilities commission the power siting board, composed of the 50563
~~chairman~~ chairperson of the public utilities commission, the 50564
director of environmental protection, the director of health, the 50565
director of development, the director of natural resources, the 50566

director of agriculture, and a representative of the public who 50567
shall be an engineer and shall be appointed by the governor, from 50568
a list of three nominees submitted to the governor by the office 50569
of the consumers' counsel, with the advice and consent of the 50570
senate and shall serve for a term of four years. The ~~chairman~~ 50571
chairperson of the public utilities commission shall be ~~chairman~~ 50572
chairperson of the board and its chief executive officer. The 50573
~~chairman~~ chairperson shall designate one of the voting members of 50574
the board to act as ~~vice-chairman~~ vice-chairperson who shall 50575
possess during the absence or disability of the ~~chairman~~ 50576
chairperson all of the powers of the ~~chairman~~ chairperson. All 50577
hearings, studies, and consideration of applications for 50578
certificates shall be conducted by the board or representatives of 50579
its members. 50580

In addition, the board shall include four legislative members 50581
who may participate fully in all the board's deliberations and 50582
activities except that they shall serve as nonvoting members. The 50583
speaker of the house of representatives shall appoint one 50584
legislative member, and the president of the senate and minority 50585
leader of each house shall each appoint one legislative member. 50586
Each such legislative leader shall designate an alternate to 50587
attend meetings of the board when the regular legislative member 50588
~~he~~ appointed by the legislative leader is unable to attend. Each 50589
legislative member and alternate shall serve for the duration of 50590
the elected term that ~~he~~ the legislative member is serving at the 50591
time of ~~his~~ appointment. A quorum of the board is a majority of 50592
its voting members. 50593

The representative of the public and, notwithstanding section 50594
101.26 of the Revised Code, legislative members of the board or 50595
their designated alternates, when engaged in their duties as 50596
members of the board, shall be paid at the per diem rate of step 50597
1, pay range 32, under schedule B of section 124.15 of the Revised 50598

Code and shall be reimbursed for the actual and necessary expenses they incur in the discharge of their official duties. 50599
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(B) The ~~chairman~~ chairperson shall keep a complete record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, keep all books, maps, documents, and papers ordered filed by the board, conduct investigations pursuant to section 4906.07 of the Revised Code, and perform such other duties as the board may prescribe. 50601
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(C) The ~~chairman~~ chairperson of the public utilities commission may assign or transfer duties among the commission's staff. However, the board's authority to grant certificates under section 4906.10 of the Revised Code shall not be exercised by any officer, employee, or body other than the board itself. 50607
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~~(D)~~(D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the chairperson's assistance, temporarily, any employee of the environmental protection agency, the department of natural resources, the department of agriculture, the department of health, or the department of development, for the purpose of making studies, conducting hearings, investigating applications, or preparing any report required or authorized under this chapter. Such employees shall not receive any additional compensation over that which they receive from the agency by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the ~~chairman~~ chairperson. All contracts for special services are subject to the approval of the ~~chairman~~ chairperson. 50612
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(2) Subject to controlling board approval, the board may contract for the services of any expert or analyst, other than an employee described in division (D)(1) of this section, for the purposes of carrying out the board's powers and duties as described in Chapter 4906. of the Revised Code. Any such expert or analyst shall be compensated from the application fee, or if 50625
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necessary, supplemental application fees assessed in accordance 50631
with division (F) of section 4906.06 of the Revised Code. 50632

(E) The board's offices shall be located in those of the 50633
public utilities commission. 50634

Sec. 4926.01. As used in sections 4926.01 to 4926.60 of the 50635
Revised Code: 50636

"Attachment" means any wire, wireless facility, cable, 50637
antennae facility, or apparatus for the transmission of text, 50638
signs, signals, pictures, sounds, or other forms of information 50639
installed by or on behalf of a provider upon any pole owned or 50640
controlled, in whole or in part, by one or more electric 50641
cooperatives. 50642

"Broadband provider" has the same meaning as in section 50643
122.40 of the Revised Code. 50644

"Electric cooperative" has the same meaning as in section 50645
4928.01 of the Revised Code. 50646

"Incremental cost" means pole attachment costs incurred by an 50647
electric cooperative for providing long-run service. 50648

"Make-ready work" means, as determined by the nature of the 50649
work required, "make-ready," "complex make-ready," or "simple 50650
make-ready" as those terms are defined in 47 C.F.R. 1.1402. 50651

"Provider" means a broadband provider, telecommunications 50652
service provider, video service provider, or wireless service 50653
provider. 50654

"Telecommunications service provider" means a provider of 50655
"telecommunications service" as defined in section 4927.01 of the 50656
Revised Code. 50657

"Video service provider" has the same meaning as in section 50658
1332.21 of the Revised Code. 50659

"Wireless service provider" has the same meaning as in 50660
section 4927.01 of the Revised Code. 50661

Sec. 4926.03. On the request of a provider, an electric 50662
cooperative shall grant the provider nondiscriminatory access to 50663
the cooperative's poles under just and reasonable rates, terms, 50664
and conditions for their attachments in accordance with sections 50665
4926.06 to 4926.36 of the Revised Code. 50666

Sec. 4926.06. A provider requesting access to an electric 50667
cooperative's poles shall submit the request in writing, and the 50668
cooperative shall review the request under a uniformly applied, 50669
efficient, and transparent process. 50670

Sec. 4926.09. An electric cooperative may require a provider 50671
to execute an agreement for a pole attachment under 50672
nondiscriminatory, just, and reasonable rates, terms, and 50673
conditions in accordance with sections 4926.06 to 4926.36 of the 50674
Revised Code if the cooperative requires all other attaching 50675
parties to execute such an agreement. 50676

Sec. 4926.12. After receiving a request for access, an 50677
electric cooperative shall grant or deny access within the time 50678
frame established by the federal communications commission, 50679
unless, pursuant to section 4926.57 of the Revised Code, a court 50680
of common pleas determines a different time frame for granting or 50681
denying access. 50682

Sec. 4926.15. An electric cooperative may deny a provider 50683
access to its poles for either of the following reasons if the 50684
reasons are applied on a nondiscriminatory basis: 50685

(A) Insufficient capacity; 50686

(B) Safety, reliability, or generally applicable engineering 50687

standards. 50688

Sec. 4926.18. If an electric cooperative denies an access request submitted under section 4926.15 of the Revised Code, the cooperative must confirm the denial in writing. The denial shall be specific and shall include all relevant evidence and information supporting the denial and an explanation of how that evidence and information relates to the factors described in section 4926.15 of the Revised Code on which the denial is based. 50689
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Sec. 4926.21. (A) A provider and an electric cooperative shall comply with the process for make-ready work under 47 U.S.C. 224 and the federal communications commission orders and regulations implementing that section, unless, pursuant to section 4926.57 of the Revised Code, a court of common pleas establishes a different process for make-ready work. 50696
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(B) The cooperative shall provide a good-faith estimate for any make-ready work, which shall include pole replacement if necessary. All make-ready costs shall be based on the cooperative's actual costs not recovered through the annual recurring attachment rate. The cooperative shall provide detailed documentation of the actual costs. 50702
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(C) A cooperative that charges an annual recurring attachment fee shall establish the fee in accordance with the cable pole attachment rate formula established in 47 U.S.C. 224(d) and commission orders and regulations implementing that formula, unless, pursuant to section 4926.57 of the Revised Code, a court of common pleas establishes a different attachment fee. 50708
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Sec. 4926.24. The attachment of facilities on the poles of an electric cooperative by a provider shall comply with the following: 50714
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(A) The most recent, applicable, nondiscriminatory safety and reliability standards adopted by the cooperative; 50717
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(B) The national electric safety code adopted by the institute of electrical and electronics engineers in effect on the date of the attachment. 50719
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Sec. 4926.27. Nothing in sections 4926.01 to 4926.60 of the Revised Code affects a provider or other attaching party's obligation to obtain any necessary authorization before occupying public ways or private rights-of-way with its attachment. 50722
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Sec. 4926.30. If an electric cooperative's pole facility is modified, a party with a preexisting attachment to the modified facility is considered to directly benefit from a modification if, after receiving notification of the modification, the party adds to or modifies its attachment. 50726
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Sec. 4926.33. (A) If an electric cooperative's pole facility is modified, all parties that obtain access to the facility as a result of the modification and all parties that directly benefit from the modification shall share proportionately in the cost of the modification. 50731
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(B) If a party makes an attachment to the facility after the completion of the modification, the party shall share proportionately in the costs of the modification if that modification rendered the added attachment possible. 50736
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Sec. 4926.36. Unless a modification by an electric cooperative is necessary for an electric service that uses smart grid or other technology, a party with a preexisting attachment to a pole is not required to bear any of the costs of rearranging or replacing its attachment if the rearrangement or replacement is necessary because of another party's request for an additional 50740
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attachment or a modification of an existing attachment. 50746

Sec. 4926.39. Subject to the venue requirements of section 50747
4926.43 of the Revised Code, an electric cooperative or a provider 50748
may file a complaint regarding pole attachment disputes with 50749
respect to sections 4926.01 to 4926.60 of the Revised Code with 50750
the court of commons pleas of the county in which the 50751
cooperative's Ohio headquarters is located. 50752

Sec. 4926.42. Subject to the venue requirements of section 50753
4926.43 of the Revised Code, the court of common pleas of the 50754
county in which an electric cooperative's Ohio headquarters is 50755
located has jurisdiction to hear complaints and to grant remedies 50756
with respect to sections 4926.01 to 4926.60 of the Revised Code 50757
regarding attachment disputes for which a complaint is filed. 50758

Sec. 4926.43. A hearing regarding a complaint filed under 50759
section 4926.39 of the Revised Code is a special statutory 50760
proceeding under division (C) of Civil Rule 1 of the Rules of 50761
Civil Procedure. Any civil proceeding under section 4926.39 of the 50762
Revised Code shall be conducted in accordance with the Rules of 50763
Civil Procedure, except that a complaint regarding pole attachment 50764
disputes with respect to sections 4926.01 to 4926.60 of the 50765
Revised Code is not subject to general venue provisions in Civil 50766
Rule 3 of the Rules of Civil Procedure. To that extent only, such 50767
proceedings shall be deemed a special statutory proceeding under 50768
division (C)(8) of Civil Rule 1 of the Rules of Civil Procedure. 50769

Venue for such a proceeding shall lie only in the county in 50770
which the cooperative's Ohio headquarters is located, provided 50771
that at least some portion of the attachment will occur in that 50772
county. In the event that the cooperative's Ohio headquarters is 50773
not located in a county in which some portion of the attachment 50774

will occur, or that more than one cooperative is a party, venue shall lie only in the county in which the largest physical portion of the attachment will occur. 50775
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Court orders relative to venue are final orders pursuant to division (B)(2) of section 2505.02 of the Revised Code. Orders not specifically relating to venue are reviewable on appeal in the same manner as judgments in any civil action. 50778
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Land acquisition actions pursuant to Chapter 163. of the Revised Code are not affected by this section and shall be heard in a venue as provided in that chapter or Civil Rule 3 of the Rules of Civil Procedure. 50782
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Sec. 4926.45. Before a court of common pleas may order any remedy under section 4926.57 of the Revised Code regarding a pole attachment complaint filed with respect to sections 4926.01 to 4926.60 of the Revised Code, the court shall determine, and a complainant shall establish, by a preponderance of the evidence, each of the following: 50786
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(A) That any rate, term, or condition complained of is not just and reasonable or a denial of access was unlawful. 50792
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(B) If the complaint concerns any rate, term, or condition, that such rate, term, or condition is contained in, or demanded by either party as a condition to entering into, either: 50794
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(1) A new pole attachment agreement; or 50797

(2) An amendment, renewal, or replacement of an existing agreement that may be terminated, amended, renewed, or replaced on or after the effective date of this section; 50798
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(C) If the complaint concerns any rate, term, or condition, that the provider and the electric cooperative first attempted to negotiate regarding the terms of a new, amended, renewed, or replaced agreement for a period of at least forty-five days prior 50801
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to filing the complaint. 50805

Sec. 4926.48. (A) The complainant under section 4926.39 of 50806
the Revised Code has the burden of establishing a prima facie case 50807
that the rate, term, or condition complained of is not just and 50808
reasonable or that the denial of access was unlawful. 50809

(B) In a case involving a denial of access, the electric 50810
cooperative has the burden of establishing, by a preponderance of 50811
the evidence, that the denial was lawful, once a prima facie case 50812
is established by the complainant. 50813

Sec. 4926.51. In a complaint filed under section 4926.39 of 50814
the Revised Code, if an electric cooperative claims that the 50815
proposed rate is lower than its incremental costs, the cooperative 50816
has the burden of establishing, by a preponderance of the 50817
evidence, its incremental costs. 50818

Sec. 4926.54. In a complaint filed under section 4926.39 of 50819
the Revised Code, there is a rebuttable presumption that each of 50820
the following is just and reasonable: 50821

(A) The time frame to grant or deny access, if it is within 50822
the time frame established by the federal communications 50823
commission; 50824

(B) The process for make-ready work, if it is in accordance 50825
with the process for make-ready work under 47 U.S.C. 224 and the 50826
federal communications commission orders and regulations 50827
implementing that section; 50828

(C) The charged rate, if the electric cooperative can show 50829
that its charged rate does not exceed an annual recurring 50830
attachment rate calculated in accordance with the cable pole 50831
attachment rate formula in 47 U.S.C. 224(d) and federal 50832
communications commission orders and regulations implementing that 50833

formula. 50834

Sec. 4926.57. (A) If, pursuant to a complaint filed under 50835
section 4926.39 of the Revised Code, a court of common pleas 50836
determines that any rate, term, or condition described in the 50837
complaint is not just and reasonable, it may do, but is not 50838
limited to doing, any of the following: 50839

(1) Terminate the rate, term, or condition and prescribe a 50840
just and reasonable rate, term, or condition; 50841

(2) Require entry into a pole attachment agreement on just 50842
and reasonable rates, terms, and conditions; 50843

(3) Require access to poles as provided under sections 50844
4926.06 to 4926.36 of the Revised Code; 50845

(4) Substitute in the pole attachment agreement the just and 50846
reasonable rate, term, or condition established by the court; 50847

(5) Order a refund or payment, as appropriate. 50848

(B) A refund or payment ordered under this section may not 50849
exceed the difference between the actual amount paid under the 50850
unjust and unreasonable rate, term, or condition and the amount 50851
that would have been paid under the rate, term, or condition 50852
established by the court for the period described in the 50853
complaint, provided that the period during which refunds or 50854
payments are made does not exceed two years. 50855

Sec. 4926.60. A court of common pleas determination resolving 50856
a complaint under sections 4926.39 to 4926.57 of the Revised Code 50857
shall be issued in the form of a final appealable order. 50858

50859

Sec. 4927.01. (A) As used in this chapter: 50860

(1) "Basic local exchange service" means residential-end-user 50861

access to and usage of telephone-company-provided services over a 50862
single line or small-business-end-user access to and usage of 50863
telephone-company-provided services over the primary access line 50864
of service, which in the case of residential and small-business 50865
access and usage is not part of a bundle or package of services, 50866
that does both of the following: 50867

(a) Enables a customer to originate or receive voice 50868
communications within a local service area as that area exists on 50869
September 13, 2010, or as that area is changed with the approval 50870
of the public utilities commission; 50871

(b) Consists of all of the following services: 50872

(i) Local dial tone service; 50873

(ii) For residential end users, flat-rate telephone exchange 50874
service; 50875

(iii) Touch tone dialing service; 50876

(iv) Access to and usage of 9-1-1 services, where such 50877
services are available; 50878

(v) Access to operator services and directory assistance; 50879

(vi) Provision of a telephone directory in any reasonable 50880
format, which includes, at the telephone company's option, an 50881
internet-accessible database of directory listings, for no 50882
additional charge and a listing in that directory, with reasonable 50883
accommodations made for private listings, and for a telephone 50884
company that no longer offers a printed directory, provision of 50885
reasonable customer notice of the available options to obtain 50886
directory information; 50887

(vii) Per call, caller identification blocking services; 50888

(viii) Access to telecommunications relay service; and 50889

(ix) Access to toll presubscription, interexchange or toll 50890
providers or both, and networks of other telephone companies. 50891

"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.

(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided

using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal communications commission.

(8) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

(9) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange service, may complete calls to other telephone customers without being assessed long distance toll charges.

(10) "Small business" means a nonresidential service customer with three or fewer service access lines.

(11) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(12) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.

(13) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(14) "Telephone company" means a company described in

division (A) of section 4905.03 of the Revised Code that is a 50952
public utility under section 4905.02 of the Revised Code. 50953

(15) "Telephone exchange service" means telecommunications 50954
service that is within a telephone exchange, or within a connected 50955
system of telephone exchanges within the same exchange area 50956
operated to furnish to subscribers intercommunicating service of 50957
the character ordinarily furnished by a single exchange, and that 50958
is covered by the exchange service charge; or comparable service 50959
provided through a system of switches, transmission equipment, or 50960
other facilities, or combination thereof, by which a customer can 50961
originate and terminate a telecommunications service. 50962

(16) "Telephone toll service" means telephone service between 50963
stations in different exchange areas for which there is made a 50964
separate charge not included in contracts with customers for 50965
exchange service. 50966

(17) "Voice over internet protocol service" means a service 50967
that enables real-time, two-way, voice communications that 50968
originate or terminate from the user's location using internet 50969
protocol or a successor protocol, including, but not limited to, 50970
any such service that permits an end user to receive calls from 50971
and terminate calls to the public switched network. 50972

(18) "Voice service" includes all of the applicable 50973
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 50974
is not the same as basic local exchange service. 50975

(19) "Wireless service" means federally licensed commercial 50976
mobile service as defined in the "Telecommunications Act of 1996," 50977
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 50978
commercial mobile radio service in 47 C.F.R. 20.3. Under division 50979
(A)(19) of this section, commercial mobile radio service is 50980
specifically limited to mobile telephone, mobile cellular 50981
telephone, paging, personal communications services, and 50982

specialized mobile radio service provided by a common carrier in 50983
this state and excludes fixed wireless service. 50984

(20) "Wireless service provider" means a facilities-based 50985
provider of wireless service to one or more end users in this 50986
state. 50987

(B) The definitions of this section shall be applied 50988
consistent with the definitions in the "Telecommunications Act of 50989
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 50990
federal decisions interpreting those definitions. 50991

Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1414~~ 50992
5101.1417 of the Revised Code: 50993

(1) "Adopted young adult" means a person: 50994

(a) Who was in the temporary or permanent custody of a public 50995
children services agency; 50996

(b) Who was adopted at the age of sixteen or seventeen and 50997
attained the age of sixteen before a Title IV-E adoption 50998
assistance agreement became effective; 50999

(c) Who has attained the age of eighteen; and 51000

(d) Who has not yet attained the age of twenty-one. 51001

(2) "Child" means any of the following: 51002

(a) A person who meets the requirements of division (B)(3) of 51003
section 5153.01 of the Revised Code; 51004

(b) An adopted young adult; 51005

(c) An emancipated young adult. 51006

(3) "Emancipated young adult" means a person: 51007

(a) Who was in the temporary or permanent custody of a public 51008
children services agency, a planned permanent living arrangement, 51009
or in the Title-IV-E-eligible care and placement responsibility of 51010

a juvenile court or other governmental agency that provides Title 51011
IV-E reimbursable placement services; 51012

(b) Whose custody, arrangement, or care and placement was 51013
terminated on or after the person's eighteenth birthday; and 51014

(c) Who has not yet attained the age of twenty-one. 51015

(4) "Kinship guardianship young adult" means an individual 51016
that meets the following criteria: 51017

(a) Was in the temporary or permanent custody of a public 51018
children services agency or a planned permanent living arrangement 51019
prior to the commitment described in division (A)(4)(b) of this 51020
section; 51021

(b) Was committed to the legal custody or legal guardianship 51022
of a kinship caregiver at the age of sixteen or seventeen and 51023
attained the age of sixteen before a Title IV-E kinship 51024
guardianship assistance agreement became effective; 51025

(c) Has attained the age of eighteen; 51026

(d) Has not yet attained the age of twenty-one. 51027

(5) "Relative" means, with respect to a child, any of the 51028
following who is eighteen years of age or older: 51029

(a) The following individuals related by blood or adoption to 51030
the child: 51031

(i) Grandparents, including grandparents with the prefix 51032
"great," "great-great," or "great-great-great"; 51033

(ii) Siblings; 51034

(iii) Aunts, uncles, nephews, and nieces, including such 51035
relatives with the prefix "great," "great-great," "grand," or 51036
"great-grand"; 51037

(iv) First cousins and first cousins once removed. 51038

(b) Stepparents and stepsiblings of the child; 51039

<u>(c) Spouses and former spouses of individuals named in</u>	51040
<u>divisions (A)(5)(a) and (b) of this section;</u>	51041
<u>(d) A legal guardian of the child;</u>	51042
<u>(e) A legal custodian of the child;</u>	51043
<u>(f) Any nonrelative adult that has a familiar and</u>	51044
<u>long-standing relationship or bond with the child or the family,</u>	51045
<u>which relationship or bond will ensure the child's social ties.</u>	51046
<u>(6) "Representative" means a person with whom the department</u>	51047
<u>of job and family services has entered into a contract, pursuant</u>	51048
<u>to division (B)(2)(b) of this section.</u>	51049
(5) <u>(7) "Title IV-E" means Title IV-E of the "Social Security</u>	51050
<u>Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	51051
<u>(B)(1) Except as provided in division <u>divisions (B)(2), (3),</u></u>	51052
<u>and (4) of this section, the department of job and family services</u>	51053
<u>shall act as the single state agency to administer federal</u>	51054
<u>payments for foster care, kinship guardianship assistance, and</u>	51055
<u>adoption assistance made pursuant to Title IV-E. The director of</u>	51056
<u>job and family services shall adopt rules to implement this</u>	51057
<u>authority. Rules governing financial and administrative</u>	51058
<u>requirements applicable to public children services agencies and</u>	51059
<u>government entities that provide Title IV-E reimbursable placement</u>	51060
<u>services to children shall be adopted in accordance with section</u>	51061
<u>111.15 of the Revised Code, as if they were internal management</u>	51062
<u>rules. Rules governing requirements applicable to private child</u>	51063
<u>placing agencies and private noncustodial agencies and rules</u>	51064
<u>establishing eligibility, program participation, and other</u>	51065
<u>requirements concerning Title IV-E shall be adopted in accordance</u>	51066
<u>with Chapter 119. of the Revised Code. A public children services</u>	51067
<u>agency to which the department distributes Title IV-E funds shall</u>	51068
<u>administer the funds in accordance with those rules.</u>	51069
<u>(2) If the state plan is amended under divisions (A) and (B)</u>	51070

of section 5101.1411 of the Revised Code, both of the following 51071
shall apply: 51072

(a) Implementation of the amendments to the plan shall begin 51073
fifteen months after September 13, 2016, the effective date of 51074
H.B. 50 of the 131st general assembly, if both of the following 51075
apply: 51076

(i) The plan as amended is approved by the secretary of 51077
health and human services; 51078

(ii) The general assembly has appropriated sufficient funds 51079
to operate the program required under the plan as amended. 51080

(b) The department shall have, exercise, and perform all new 51081
duties required under the plan as amended. In doing so, the 51082
department may contract with another person to carry out those new 51083
duties, to the extent permitted under Title IV-E. 51084

(3) If the state plan is amended under division (C) of 51085
section 5101.1411 of the Revised Code, both of the following 51086
apply: 51087

(a) Implementation of the amendments to the plan shall begin 51088
fifteen months after the effective date of this section, if both 51089
of the following apply: 51090

(i) The plan as amended is approved by the secretary of 51091
health and human services. 51092

(ii) The general assembly has appropriated sufficient funds 51093
to operate the program required under the plan as amended. 51094

(b) The department shall perform all new duties required 51095
under the amended plan. In doing so, the department may contract 51096
with another person to carry out those new duties, to the extent 51097
permitted under Title IV-E. 51098

(4) If the state plan is amended under section 5101.1416 of 51099
the Revised Code, and is approved by the secretary of health and 51100

human services, implementation of the amendments to the plan shall 51101
begin fifteen months after the effective date of this section. 51102

(C)(1) Except with regard to the new duties imposed on the 51103
department or its contractor under ~~division~~ divisions (B)(2)(b) 51104
and (B)(3)(b) of this section that are not imposed on the county, 51105
the county, on behalf of each child eligible for foster care 51106
maintenance payments under Title IV-E, shall make payments to 51107
cover the cost of providing all of the following: 51108

(a) The child's food, clothing, shelter, daily supervision, 51109
and school supplies; 51110

(b) The child's personal incidentals; 51111

(c) Reasonable travel to the child's home for visitation. 51112

(2) In addition to payments made under division (C)(1) of 51113
this section, the county may, on behalf of each child eligible for 51114
foster care maintenance payments under Title IV-E, make payments 51115
to cover the cost of providing the following: 51116

(a) Liability insurance with respect to the child; 51117

(b) If the county is participating in the demonstration 51118
project established under division (A) of section 5101.142 of the 51119
Revised Code, services provided under the project. 51120

(3) With respect to a child who is in a child-care 51121
institution, including any type of group home designed for the 51122
care of children or any privately operated program consisting of 51123
two or more certified foster homes operated by a common 51124
administrative unit, the foster care maintenance payments made by 51125
the county on behalf of the child shall include the reasonable 51126
cost of the administration and operation of the institution, group 51127
home, or program, as necessary to provide the items described in 51128
divisions (C)(1) and (2) of this section. 51129

(D) To the extent that either foster care maintenance 51130

payments under division (C) of this section, Title IV-E kinship guardianship assistance, or Title IV-E adoption assistance 51131
51132
payments for maintenance costs require the expenditure of county 51133
funds, the board of county commissioners shall report the nature 51134
and amount of each expenditure of county funds to the department. 51135

(E) The department shall distribute to public children 51136
services agencies that incur and report expenditures of the type 51137
described in division (D) of this section federal financial 51138
participation received for administrative and training costs 51139
incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The 51140
department may withhold not more than three per cent of the 51141
federal financial participation received. The funds withheld may 51142
be used only to fund the following: 51143
51144

(1) The Ohio child welfare training program established under 51145
section 5103.30 of the Revised Code; 51146

(2) The university partnership program for college and 51147
university students majoring in social work who have committed to 51148
work for a public children services agency upon graduation; 51149

(3) Efforts supporting organizational excellence, including 51150
voluntary activities to be accredited by a nationally recognized 51151
accreditation organization. 51152

The funds withheld shall be in addition to any administration 51153
and training cost for which the department is reimbursed through 51154
its own cost allocation plan. 51155

(F) All federal financial participation funds received by a 51156
county pursuant to this section shall be deposited into the 51157
county's children services fund created pursuant to section 51158
5101.144 of the Revised Code. 51159

(G) The department shall periodically publish and distribute 51160
the maximum amounts that the department will reimburse public 51161

children services agencies for making payments on behalf of 51162
children eligible for foster care maintenance payments. 51163

(H) The department, by and through its director, is hereby 51164
authorized to develop, participate in the development of, 51165
negotiate, and enter into one or more interstate compacts on 51166
behalf of this state with agencies of any other states, for the 51167
provision of social services to children in relation to whom all 51168
of the following apply: 51169

(1) They have special needs. 51170

(2) This state or another state that is a party to the 51171
interstate compact is providing kinship guardianship assistance or 51172
adoption assistance on their behalf. 51173

(3) They move into this state from another state or move out 51174
of this state to another state. 51175

Sec. 5101.1411. (A)(1) The director of job and family 51176
services shall, not later than nine months after September 13, 51177
2016, the effective date of H.B. 50 of the 131st general assembly, 51178
submit an amendment to the state plan required by 42 U.S.C. 671 to 51179
the United States secretary of health and human services to 51180
implement 42 U.S.C. 675(8) to make federal payments for foster 51181
care under Title IV-E directly to, or on behalf of, any 51182
emancipated young adult who meets the following requirements: 51183

(a) The emancipated young adult signs a voluntary 51184
participation agreement. 51185

(b) The emancipated young adult satisfies division ~~(C)~~(D) of 51186
this section. 51187

(2) Any emancipated young adult who meets the requirements of 51188
division (A)(1) of this section may apply for foster care payments 51189
and make the appropriate application at any time. 51190

(B)(1) The director of job and family services shall, not 51191

later than nine months after September 13, 2016, the effective 51192
date of H.B. 50 of the 131st general assembly, submit an amendment 51193
to the state plan required by 42 U.S.C. 671 to the United States 51194
secretary of health and human services to implement 42 U.S.C. 51195
675(8) to make federal payments for adoption assistance under 51196
Title IV-E available to any parent who meets all of the following 51197
requirements: 51198

(a) The parent adopted a person who is an adopted young adult 51199
and the parent entered into an adoption assistance agreement under 51200
42 U.S.C. 673 while the adopted person was age sixteen or 51201
seventeen. 51202

(b) The parent maintains parental responsibility for the 51203
adopted young adult. 51204

(c) The adopted young adult satisfies division ~~(C)~~(D) of this 51205
section. 51206

(2) Any parent who meets the requirements of division (B)(1) 51207
of this section that are applicable to a parent may request an 51208
extension of adoption assistance payments at any time before the 51209
adopted young adult reaches age twenty-one. 51210

(3) An adopted young adult who is eligible to receive 51211
adoption assistance payments is not considered an emancipated 51212
young adult and is therefore not eligible to receive payment under 51213
division (A) of this section. 51214

(C)(1) The director of job and family services shall, not 51215
later than nine months after the effective date of this amendment, 51216
submit an amendment to the state plan required by 42 U.S.C. 671 to 51217
the United States secretary of health and human services to 51218
implement 42 U.S.C. 673(d) to provide kinship guardianship 51219
assistance under Title IV-E available to any relative who meets 51220
all of the following requirements: 51221

(a) Both of the following apply: 51222

<u>(i) A juvenile court issued an order granting legal custody</u>	51223
<u>of a person who is a kinship guardianship young adult to the</u>	51224
<u>relative, or a probate court issued an order granting guardianship</u>	51225
<u>of a person who is a kinship guardianship young adult to the</u>	51226
<u>relative, and the order is not a temporary court order.</u>	51227
<u>(ii) The relative entered into a kinship guardianship</u>	51228
<u>assistance agreement under 42 U.S.C. 673(d) while the kinship</u>	51229
<u>guardianship young adult was age sixteen or seventeen.</u>	51230
<u>(b) The relative maintains parental responsibility for the</u>	51231
<u>kinship guardianship young adult.</u>	51232
<u>(c) The kinship guardianship young adult satisfies division</u>	51233
<u>(D) of this section.</u>	51234
<u>(2) Any person who meets the requirements of division (C)(1)</u>	51235
<u>of this section may request an extension of kinship guardianship</u>	51236
<u>assistance at any time before the kinship guardianship young adult</u>	51237
<u>reaches age twenty-one.</u>	51238
<u>(3) A kinship guardianship young adult who is eligible to</u>	51239
<u>receive kinship guardianship assistance is not considered an</u>	51240
<u>emancipated young adult and is therefore not eligible to receive</u>	51241
<u>assistance under division (A) of this section.</u>	51242
<u>(D) In addition to other requirements, an adopted, kinship</u>	51243
<u>guardianship, or emancipated young adult must meet at least one of</u>	51244
<u>the following criteria:</u>	51245
<u>(1) Is completing secondary education or a program leading to</u>	51246
<u>an equivalent credential;</u>	51247
<u>(2) Is enrolled in an institution that provides</u>	51248
<u>post-secondary or vocational education;</u>	51249
<u>(3) Is participating in a program or activity designed to</u>	51250
<u>promote, or remove barriers to, employment;</u>	51251
<u>(4) Is employed for at least eighty hours per month;</u>	51252

(5) Is incapable of doing any of the activities described in 51253
divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or 51254
mental condition, which incapacity is supported by regularly 51255
updated information in the person's case record or plan. 51256

~~(D)~~(E) Any emancipated young adult described in division 51257
(A)(1) of this section who is directly receiving foster care 51258
payments, or on whose behalf such foster care payments are 51259
received, or any relative described in division (C)(1) of this 51260
section who is receiving kinship guardianship assistance, or any 51261
parent receiving adoption assistance payments, may refuse the 51262
payments at any time. 51263

~~(E)(1)~~(F)(1) An emancipated young adult described in division 51264
(A)(1) of this section who is directly receiving foster care 51265
payments, or on whose behalf such foster care payments are 51266
received, or any relative described in division (C)(1) of this 51267
section who is receiving kinship guardianship assistance and the 51268
kinship guardianship young adult, or a parent receiving adoption 51269
assistance payments and the adopted young adult shall be eligible 51270
for services set forth in the federal, "Fostering Connections to 51271
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 51272
Stat. 3949. 51273

(2) An emancipated young adult described in division (A)(1) 51274
of this section who is directly receiving foster care payments, or 51275
on whose behalf such foster care payments are received, pursuant 51276
to this section, may be eligible to reside in a supervised 51277
independent living setting, including apartment living, room and 51278
board arrangements, college or university dormitories, host homes, 51279
and shared roommate settings. 51280

~~(F)~~(G) Any determination by the department that denies or 51281
terminates foster care, kinship guardianship assistance, or 51282
adoption assistance payments shall be subject to a state hearing 51283
pursuant to section 5101.35 of the Revised Code. 51284

Sec. 5101.1412. (A) Without the approval of a court, an 51285
emancipated young adult who receives payments, or on whose behalf 51286
payments are received, under division (A) of section 5101.1411 of 51287
the Revised Code, may enter into a voluntary participation 51288
agreement with the department of job and family services, or its 51289
representative, for the emancipated young adult's care and 51290
placement. The agreement shall stay in effect until one of the 51291
following occurs: 51292

(1) The emancipated young adult enrolled in the program 51293
notifies the department, or its representative, that they want to 51294
terminate the agreement. 51295

(2) The emancipated young adult becomes ineligible for the 51296
program. 51297

~~(B) During the one hundred eighty day period after the 51298
voluntary participation agreement becomes effective, the 51299
department or its representative shall seek approval from the 51300
court that the emancipated young adult's best interest is served 51301
by continuing the care and placement with the department or its 51302
representative. 51303~~

~~(C)~~ In order to maintain Title IV-E eligibility for the 51304
emancipated young adult, ~~not~~ both of the following apply: 51305

(1) Not later than one hundred eighty days after the 51306
effective date of the voluntary participation agreement, the 51307
department or its representative must petition the court for, and 51308
obtain, a judicial determination that the emancipated young 51309
adult's best interest is served by continuing the care and 51310
placement with the department or its representative. 51311

(2) Not later than twelve months after the effective date of 51312
the voluntary participation agreement, and at least once every 51313
twelve months thereafter, the department or its representative 51314

must petition the court for, and obtain, a judicial determination 51315
that the department or its representative has made reasonable 51316
efforts to finalize a permanency plan ~~that addresses the~~ 51317
~~department's or its representative's efforts~~ to prepare the 51318
emancipated young adult for independence. 51319

Sec. 5101.1415. The provisions of divisions (A) and ~~(C)~~(D) to 51320
~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if 51321
the person is eligible for temporary or permanent custody until 51322
age twenty-one pursuant to a dispositional order under sections 51323
2151.353, 2151.414, and 2151.415 of the Revised Code. 51324

Sec. 5101.1416. (A) Not later than nine months after the 51325
effective date of this section, the director of job and family 51326
services shall submit an amendment to the state plan required by 51327
42 U.S.C. 671 to the United States secretary of health and human 51328
services to implement 42 U.S.C. 673(d) to provide kinship 51329
guardianship assistance under Title IV-E on behalf of a child to a 51330
relative who meets the following requirements: 51331

(1) The relative has cared for the eligible child pursuant to 51332
division (B) of this section as a foster caregiver as defined by 51333
section 5103.02 of the Revised Code for at least six consecutive 51334
months. 51335

(2) Both of the following apply: 51336

(a) A juvenile court issued an order granting legal custody 51337
of the child to the relative, or a probate court issued an order 51338
granting guardianship of the child to the relative, and the order 51339
is not a temporary court order. 51340

(b) The relative has committed to care for the child on a 51341
permanent basis. 51342

(3) The relative signs a kinship guardianship assistance 51343
agreement required by 42 U.S.C. 673. 51344

(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met: 51345
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(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 51347
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 51351
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(3) Returning the child home or adoption of the child are not appropriate permanency options for the child. 51355
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(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 51357
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 51361
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Sec. 5101.1417. Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 51364
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 51370
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(B) Require that a thirty-day notice of termination be given 51375
by the department to a person receiving kinship guardianship 51376
assistance for a kinship guardianship young adult described in 51377
division (C) of section 5101.1411 of the Revised Code, who is 51378
determined to be ineligible for assistance. 51379

Sec. 5101.1418. (A)(1) If, after a child's adoption is 51380
finalized, the department of job and family services considers the 51381
child to be in need of public care or protective services, the 51382
department may, to the extent state funds are available for this 51383
purpose, enter into an agreement with the child's adoptive parent 51384
under which the department may make post adoption special services 51385
subsidy payments on behalf of the child as needed when both of the 51386
following apply: 51387

(a) The child has a physical or developmental disability or 51388
mental or emotional condition that either: 51389

(i) Existed before the adoption petition was filed; or 51390

(ii) Developed after the adoption petition was filed and can 51391
be directly attributed to factors in the child's preadoption 51392
background, medical history, or biological family's background or 51393
medical history. 51394

(b) The department determines the expenses necessitated by 51395
the child's disability or condition are beyond the adoptive 51396
parent's economic resources. 51397

(2) Services for which the department may make post adoption 51398
special services subsidy payments on behalf of a child under this 51399
section shall include medical, surgical, psychiatric, 51400
psychological, and counseling services, including residential 51401
treatment. 51402

(3) The department shall establish clinical standards to 51403
evaluate a child's physical or developmental disability or mental 51404

or emotional condition and assess the child's need for services. 51405

(4) The total dollar value of post adoption special services 51406
subsidy payments made on a child's behalf shall not exceed ten 51407
thousand dollars in any fiscal year, unless the department 51408
determines that extraordinary circumstances exist that necessitate 51409
further funding of services for the child. Under such 51410
extraordinary circumstances, the value of the payments made on the 51411
child's behalf shall not exceed fifteen thousand dollars in any 51412
fiscal year. 51413

(5) The adoptive parent or parents of a child who receives 51414
post adoption special services subsidy payments shall pay at least 51415
five per cent of the total cost of all services provided to the 51416
child; except that the department may waive this requirement if 51417
the gross annual income of the child's adoptive family is not more 51418
than two hundred per cent of the federal poverty guideline. 51419

(6) The department may use other sources of revenue to make 51420
post adoption special services subsidy payments, in addition to 51421
any state funds appropriated for that purpose. 51422

(7) The department may contract with another person to carry 51423
out any of the duties described in this section. 51424

(B) No payment shall be made on behalf of any person eighteen 51425
years of age or older beyond the end of the school year during 51426
which the person attains the age of eighteen or on behalf of a 51427
mentally or physically disabled person twenty-one years of age or 51428
older. 51429

(C) The director of job and family services, not later than 51430
July 1, 2022, shall adopt rules in accordance with Chapter 119. of 51431
the Revised Code necessary to implement this section. The rules 51432
shall establish all of the following: 51433

(1) The application process for all forms of assistance 51434
provided under this section; 51435

(2) Standards for determining the children who qualify to receive assistance provided under this section; 51436
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(3) The method of determining the amount, duration, and scope of services provided to a child; 51438
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(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department; 51440
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(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 51443
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(D) The department shall implement this section not later than July 1, 2022. 51445
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Sec. 5101.341. (A) The Ohio commission on fatherhood ~~annually~~ shall elect a chairperson from among its members in every odd-numbered year. 51447
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(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services or the director's designee. 51450
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The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service. 51454
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The department of job and family services shall provide staff and other support services as necessary for the commission to fulfill its duties. 51458
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(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. 51461
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All gifts, grants, donations, contributions, benefits, and other 51466
funds received by the commission pursuant to this division shall 51467
be used solely to support the operations of the commission. 51468

Sec. 5101.545. The director of job and family services shall 51469
submit an application to the United States department of 51470
agriculture for participation in the elderly simplified 51471
application project within the supplemental nutrition assistance 51472
program. 51473

Sec. 5101.63. (A)(1) Any individual listed in division (A)(2) 51474
of this section having reasonable cause to believe that an adult 51475
is being abused, neglected, or exploited, or is in a condition 51476
which is the result of abuse, neglect, or exploitation shall 51477
immediately report such belief to the county department of job and 51478
family services. 51479

(2) All of the following are subject to division (A)(1) of 51480
this section: 51481

(a) An attorney admitted to the practice of law in this 51482
state; 51483

(b) An individual authorized under Chapter 4731. of the 51484
Revised Code to practice medicine and surgery, osteopathic 51485
medicine and surgery, or podiatric medicine and surgery; 51486

(c) An individual licensed under Chapter 4734. of the Revised 51487
Code as a chiropractor; 51488

(d) An individual licensed under Chapter 4715. of the Revised 51489
Code as a dentist; 51490

(e) An individual licensed under Chapter 4723. of the Revised 51491
Code as a registered nurse or licensed practical nurse; 51492

(f) An individual licensed under Chapter 4732. of the Revised 51493
Code as a psychologist; 51494

(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;	51495 51496 51497 51498
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	51499 51500
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	51501 51502 51503
(j) An employee of a home health agency, as defined in section 3701.881 <u>3740.01</u> of the Revised Code;	51504 51505
(k) An employee of an outpatient health facility;	51506
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	51507 51508
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	51509 51510
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	51511 51512
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	51513 51514 51515 51516
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	51517 51518 51519 51520
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	51521 51522
(r) A humane society agent appointed under section 1717.06 of the Revised Code;	51523 51524

(s) An individual who is a firefighter for a lawfully constituted fire department;	51525 51526
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	51527 51528 51529
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	51530 51531 51532
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	51533 51534
(w) A peace officer;	51535
(x) A coroner;	51536
(y) A member of the clergy;	51537
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	51538 51539 51540
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	51541 51542
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	51543 51544
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	51545 51546 51547
(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;	51548 51549 51550
(ee) A financial planner accredited by a national accreditation agency;	51551 51552
(ff) Any other individual who is a senior service provider,	51553

other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised Code. 51554
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(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause a report to be made of such belief to the county department of job and family services. 51557
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This division applies to a representative of the office of the state long-term care ombudsman program only to the extent permitted by federal law. 51561
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(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include: 51564
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(1) The name, address, and approximate age of the adult who is the subject of the report; 51568
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 51570
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 51573
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 51575
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such 51577
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investigation, report, or testimony, except liability for perjury, 51584
unless the person has acted in bad faith or with malicious 51585
purpose. 51586

(E) No employer or any other person with the authority to do 51587
so shall do any of the following as a result of an employee's 51588
having filed a report under this section: 51589

(1) Discharge, demote, transfer, or prepare a negative work 51590
performance evaluation; 51591

(2) Reduce benefits, pay, or work privileges; 51592

(3) Take any other action detrimental to an employee or in 51593
any way retaliate against the employee. 51594

(F) The written or oral report provided for in this section 51595
and the investigatory report provided for in section 5101.65 of 51596
the Revised Code are confidential and are not public records, as 51597
defined in section 149.43 of the Revised Code. In accordance with 51598
rules adopted by the department of job and family services, 51599
information contained in the report shall upon request be made 51600
available to the adult who is the subject of the report and to 51601
legal counsel for the adult. If it determines that there is a risk 51602
of harm to a person who makes a report under this section or to 51603
the adult who is the subject of the report, the county department 51604
of job and family services may redact the name and identifying 51605
information related to the person who made the report. 51606

(G) The county department of job and family services shall be 51607
available to receive the written or oral report provided for in 51608
this section twenty-four hours a day and seven days a week. 51609

Sec. 5101.802. (A) As used in this section: 51610

(1) "Custodian," "guardian," and "minor child" have the same 51611
meanings as in section 5107.02 of the Revised Code. 51612

(2) "Federal poverty guidelines" has the same meaning as in 51613

section 5101.46 of the Revised Code. 51614

(3) "Kinship caregiver" has the same meaning as in section 51615
5101.85 of the Revised Code. 51616

(B) Subject to division (E) of section 5101.801 of the 51617
Revised Code, there is hereby created the kinship permanency 51618
incentive program to promote permanency for a minor child in the 51619
legal and physical custody of a kinship caregiver. The program 51620
shall provide an initial one-time incentive payment to the kinship 51621
caregiver to defray the costs of initial placement of the minor 51622
child in the kinship caregiver's home. The program may provide 51623
additional permanency incentive payments for the minor child at 51624
six-month intervals, based on the availability of funds. An 51625
eligible caregiver may receive a maximum of eight incentive 51626
payments per minor child. 51627

(C) A kinship caregiver may participate in the program if all 51628
of the following requirements are met: 51629

(1) The kinship caregiver applies to a public children 51630
services agency in accordance with the application process 51631
established in rules authorized by division (E) of this section; 51632

(2) Not earlier than July 1, 2005, a juvenile court issues an 51633
order granting legal custody to the kinship caregiver, or a 51634
probate court grants guardianship to the kinship caregiver, except 51635
that a temporary court order is not sufficient to meet this 51636
requirement; 51637

(3) The kinship caregiver is either the minor child's 51638
custodian or guardian; 51639

(4) The minor child resides with the kinship caregiver 51640
pursuant to a placement approval process established in rules 51641
authorized by division (E) of this section; 51642

(5) Excluding any income excluded under rules adopted under 51643

division (E) of this section, the gross income of the kinship 51644
caregiver's family, including the minor child, does not exceed 51645
three hundred per cent of the federal poverty guidelines. 51646

(6) The kinship caregiver is not receiving kinship 51647
guardianship assistance under Title IV-E of the "Social Security 51648
Act," 42 U.S.C. 673(d), as amended, described in section 5101.1411 51649
of the Revised Code or pursuant to section 5153.163 of the Revised 51650
Code. 51651

(D) Public children services agencies shall make initial and 51652
ongoing eligibility determinations for the kinship permanency 51653
incentive program in accordance with rules authorized by division 51654
(E) of this section. The director of job and family services shall 51655
supervise public children services agencies' duties under this 51656
section. 51657

(E) The director of job and family services shall adopt rules 51658
under division (C) of section 5101.801 of the Revised Code as 51659
necessary to implement the kinship permanency incentive program. 51660
The rules shall establish all of the following: 51661

(1) The application process for the program; 51662

(2) The placement approval process through which a minor 51663
child is placed with a kinship caregiver for the kinship caregiver 51664
to be eligible for the program; 51665

(3) The initial and ongoing eligibility determination process 51666
for the program, including the computation of income eligibility; 51667

(4) The amount of the incentive payments provided under the 51668
program; 51669

(5) The method by which the incentive payments are provided 51670
to a kinship caregiver. 51671

(F) The amendments made to this section by Am. Sub. H.B. 119 51672
of the 127th general assembly shall not affect the eligibility of 51673

any kinship caregiver whose eligibility was established before 51674
June 30, 2007. 51675

Sec. 5101.806. (A) The department of job and family services 51676
shall prepare and submit to the governor not later than the first 51677
day of November in each even-numbered year a TANF spending plan 51678
describing the anticipated spending of temporary assistance for 51679
needy families block grant funds for the upcoming state fiscal 51680
biennium. The report shall be prepared in such a manner as to 51681
facilitate the inclusion of the information contained in the 51682
report in the governor's budget in accordance with division (D)(8) 51683
of section 107.03 of the Revised Code. 51684

(B)(1) Not later than thirty days after the end of the first 51685
state fiscal year of a fiscal biennium, the department shall 51686
prepare and submit an updated TANF spending plan to the 51687
chairperson of a standing committee of the house of 51688
representatives designated by the speaker of the house of 51689
representatives and the chairperson of a standing committee of the 51690
senate designated by the president of the senate. The updated TANF 51691
spending plan shall, at a minimum, include both of the following: 51692

(a) The total amount of temporary assistance for needy 51693
families block grant funds distributed during the first fiscal 51694
year of the fiscal biennium. 51695

(b) An updated estimate of the total amount of temporary 51696
assistance for needy families block grant funds that will be 51697
distributed during the second fiscal year of the fiscal biennium. 51698

(2) A chairperson of a standing committee designated by the 51699
speaker of the house of representatives or president of the senate 51700
under division (B)(1) of this section may call the director of job 51701
and family services to testify before the committee regarding the 51702
TANF spending plan. 51703

~~Sec. 5101.971. (A) The department of human services shall 51704
prepare an annual report on individual development account 51705
programs established by county departments of human services based 51706
on the information provided pursuant to division (E) of section 51707
329.12 of the Revised Code and file the report with the governor, 51708
president and minority leader of the senate, and speaker and 51709
minority leader of the house of representatives. The department 51710
shall file the report on the first day of October of each year, 51711
beginning in 1998. 51712~~

~~(B) The department of job and family services shall adopt 51713
rules in accordance with Chapter 119. of the Revised Code to 51714
govern the implementation of individual development account 51715
programs under sections 329.11 to 329.14 of the Revised Code by 51716
county departments of human job and family services, which shall 51717
include rules covering ~~all~~ both of the following: 51718~~

~~(1) (A) Imposing a penalty for unauthorized use of matching 51719
contributions; 51720~~

~~(2) Specifying the information that must be included in the 51721
county department's report to the department under section 329.12 51722
of the Revised Code; 51723~~

~~(3) (B) Specifying the responsibilities of a fiduciary 51724
organization under an individual development account program 51725
established under section 329.12 of the Revised Code. The rules 51726
shall be consistent with section 404(h) of the "Social Security 51727
Act" as amended by the "Personal Responsibility and Work 51728
Opportunity Reconciliation Act of 1996," ~~110 Stat. 2105~~, 42 U.S.C. 51729
604(h). 51730~~

The responsibilities of a fiduciary organization may include 51731
marketing; soliciting matching contributions; counseling account 51732
holders; conducting verification, compliance, and evaluation 51733
activities; and any other responsibilities considered appropriate 51734

by the state department. 51735

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the 51736
Revised Code: 51737

(A)(1) "Association" or "institution" includes all of the 51738
following: 51739

(a) Any incorporated or unincorporated organization, society, 51740
association, or agency, public or private, that receives or cares 51741
for children for two or more consecutive weeks; 51742

(b) Any individual, including the operator of a foster home, 51743
who, for hire, gain, or reward, receives or cares for children for 51744
two or more consecutive weeks, unless the individual is related to 51745
them by blood or marriage; 51746

(c) Any individual not in the regular employ of a court, or 51747
of an institution or association certified in accordance with 51748
section 5103.03 of the Revised Code, who in any manner becomes a 51749
party to the placing of children in foster homes, unless the 51750
individual is related to such children by blood or marriage or is 51751
the appointed guardian of such children. 51752

(2) "Association" or "institution" does not include any of 51753
the following: 51754

(a) Any organization, society, association, school, agency, 51755
child guidance center, detention or rehabilitation facility, or 51756
children's clinic licensed, regulated, approved, operated under 51757
the direction of, or otherwise certified by the department of 51758
education, a local board of education, the department of youth 51759
services, the department of mental health and addiction services, 51760
or the department of developmental disabilities; 51761

(b) Any individual who provides care for only a single-family 51762
group, placed there by their parents or other relative having 51763
custody; 51764

(c) A private, nonprofit therapeutic wilderness camp;	51765
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	51766 51767
(B) "Family foster home" means a foster home that is not a specialized foster home.	51768 51769
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	51770 51771
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	51772 51773 51774 51775 51776 51777 51778 51779 51780
(E) <u>Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.</u>	51781 51782
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	51783 51784 51785 51786
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	51787 51788 51789
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	51790 51791 51792
(3) The children require the services of a registered nurse on a daily basis.	51793 51794

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

~~(G)~~(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile

foster home or a treatment foster home. 51824

~~(I)~~(L) "Treatment foster home" means a foster home that 51825
incorporates special rehabilitative services designed to treat the 51826
specific needs of the children received in the foster home and 51827
that receives and cares for children who are emotionally or 51828
behaviorally disturbed, who are chemically dependent, who have 51829
developmental disabilities, or who otherwise have exceptional 51830
needs. 51831

Sec. 5103.031. Except as provided in section 5103.033 of the 51832
Revised Code, the department of job and family services may not 51833
issue a certificate under section 5103.03 of the Revised Code to a 51834
foster home unless the prospective foster caregiver successfully 51835
completes preplacement training through a preplacement training 51836
program approved by the department of job and family services 51837
under section 5103.038 of the Revised Code or preplacement 51838
training provided under division (B) of section 5103.30 of the 51839
Revised Code. ~~Up to twenty per cent of the required preplacement~~ 51840
~~training may be provided online.~~ 51841

Sec. 5103.0310. (A) Prior to employing a person or engaging a 51842
subcontractor, intern, or volunteer, an institution or 51843
association, as defined in division (A)(1)(a) of section 5103.02 51844
of the Revised Code, that is a residential facility, as defined in 51845
division (A)(6) of section 5103.05 of the Revised Code, shall do 51846
the following regarding the person, subcontractor, intern, or 51847
volunteer: 51848

(1) ~~Conduct~~ Obtain a search of the United States department 51849
of justice national sex offender public web site regarding the 51850
person; 51851

(2) ~~Request~~ Obtain a summary report of a search of the 51852
uniform statewide automated child welfare information system in 51853

accordance with divisions (A) and (B) of section 5103.18 of the Revised Code. 51854
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(B) An institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is not a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall obtain the search and summary report described in division (A) of this section before hiring a person, or engaging a subcontractor, intern, or volunteer, who will have access to children. 51856
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(C) If, at the time of the effective date of this amendment, the institution or association has not obtained a report required under division (A) or (B) of this section for the person, subcontractor, intern, or volunteer, the institution or association shall obtain the report. 51863
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(D) The institution or association may refuse to ~~hire~~ employ the person or engage the subcontractor, intern, or volunteer based solely on the results of the search described in division (A)(1) or (B) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 51868
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~~(C)~~(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 51874
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Sec. 5103.0316. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following: 51877
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(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private 51882
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noncustodial agency that seeks to operate a preplacement training 51884
program or continuing training program under section 5103.034 of 51885
the Revised Code must submit to the department a proposal 51886
outlining the program; 51887

(B) Requirements governing the department's compensation of 51888
private child placing agencies and private noncustodial agencies 51889
under sections 5103.0312 and 5103.0313 of the Revised Code, 51890
including the allowance to reimburse the agencies for the cost of 51891
providing the training under sections 5103.031, 5103.032, and 51892
5103.033 of the Revised Code; 51893

(C) Requirements governing the continuing training required 51894
by sections 5103.032 and 5103.033 of the Revised Code; 51895

(D) The amount of training hours necessary for preplacement 51896
training and continuing training for purposes of sections 51897
5103.031, 5103.032, and 5103.033 of the Revised Code; 51898

(E) Courses necessary to meet the preplacement and continuing 51899
training requirements for foster homes under sections 5103.031, 51900
5103.032, and 5103.033 of the Revised Code; 51901

(F) Criteria used to create a written needs assessment and 51902
continuing training plan for each foster caregiver as required by 51903
section 5103.035 of the Revised Code; 51904

(G) The amount of preplacement and continuing training hours 51905
that may be completed online; 51906

(H) Any other matter the department considers appropriate. 51907

Sec. 5103.163. (A) The department of job and family services 51908
shall adopt rules in accordance with Chapter 119. of the Revised 51909
Code to establish and enforce a resource family bill of rights for 51910
resource families providing care for individuals who are in the 51911
custody or care and placement of an agency that provides Title 51912
IV-E reimbursable services pursuant to sections 5103.03 to 51913

5103.181 of the Revised Code. 51914

(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 51915
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 51919
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Sec. 5104.01. As used in this chapter: 51922

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person. 51923
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 51926
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(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 51928
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(1) Communicate on the owner's behalf; 51932

(2) Submit on the owner's behalf applications for licensure or approval; 51933
51934

(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 51935
51936

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 51937
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(E) "Career pathways model" means an alternative pathway to 51941

meeting the requirements to be a child-care staff member or	51942
administrator that does both of the following:	51943
(1) Uses a framework approved by the director of job and	51944
family services to document formal education, training,	51945
experience, and specialized credentials and certifications;	51946
(2) Allows the child-care staff member or administrator to	51947
achieve a designation as an early childhood professional level	51948
one, two, three, four, five, or six.	51949
(F) "Caretaker parent" means the father or mother of a child	51950
whose presence in the home is needed as the caretaker of the	51951
child, a person who has legal custody of a child and whose	51952
presence in the home is needed as the caretaker of the child, a	51953
guardian of a child whose presence in the home is needed as the	51954
caretaker of the child, and any other person who stands in loco	51955
parentis with respect to the child and whose presence in the home	51956
is needed as the caretaker of the child.	51957
(G) "Chartered nonpublic school" means a school that meets	51958
standards for nonpublic schools prescribed by the state board of	51959
education for nonpublic schools pursuant to section 3301.07 of the	51960
Revised Code.	51961
(H) "Child" includes an infant, toddler, preschool-age child,	51962
or school-age child.	51963
(I) "Child care block grant act" means the "Child Care and	51964
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42	51965
U.S.C. 9858, as amended.	51966
(J) "Child day camp" means a program in which only school-age	51967
children attend or participate, that operates for no more than	51968
twelve hours per day and no more than fifteen weeks during the	51969
summer. For purposes of this division, the maximum twelve hours of	51970
operation time does not include transportation time from a child's	51971
home to a child day camp and from a child day camp to a child's	51972

home.	51973
(K) "Child care" means all of the following:	51974
(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;	51975 51976 51977
(2) By persons other than their parents, guardians, or custodians;	51978 51979
(3) For part of the twenty-four-hour day;	51980
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;	51981 51982
(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.	51983 51984 51985 51986 51987
(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:	51988 51989 51990 51991 51992
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	51993 51994 51995 51996 51997 51998 51999 52000 52001 52002

(2) A child day camp;	52003
(3) A place that provides care, if all of the following apply:	52004 52005
(a) An organized religious body provides the care;	52006
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	52007 52008 52009
(c) The care is not provided for more than thirty days a year;	52010 52011
(d) The care is provided only for preschool-age and school-age children.	52012 52013
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	52014 52015 52016
(N) "Child care resource and referral services" means all of the following services:	52017 52018
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	52019 52020 52021
(2) Provision of individualized consumer education to families seeking child care;	52022 52023
(3) Provision of timely referrals of available child care providers to families seeking child care;	52024 52025
(4) Recruitment of child care providers;	52026
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	52027 52028 52029 52030
(6) Collection and analysis of data on the supply of and	52031

demand for child care in the community;	52032
(7) Technical assistance concerning locally, state, and	52033
federally funded child care and early childhood education	52034
programs;	52035
(8) Stimulation of employer involvement in making child care	52036
more affordable, more available, safer, and of higher quality for	52037
their employees and for the community;	52038
(9) Provision of written educational materials to caretaker	52039
parents and informational resources to child care providers;	52040
(10) Coordination of services among child care resource and	52041
referral service organizations to assist in developing and	52042
maintaining a statewide system of child care resource and referral	52043
services if required by the department of job and family services;	52044
(11) Cooperation with the county department of job and family	52045
services in encouraging the establishment of parent cooperative	52046
child care centers and parent cooperative type A family day-care	52047
homes.	52048
(O) "Child-care staff member" means an employee of a child	52049
day-care center, type A family day-care home, licensed type B	52050
family day-care home, or approved child day camp who is primarily	52051
responsible for the care and supervision of children. The	52052
administrator, authorized representative, or owner may be a	52053
child-care staff member when not involved in other duties.	52054
(P) "Drop-in child day-care center," "drop-in center,"	52055
"drop-in type A family day-care home," and "drop-in type A home"	52056
mean a center or type A home that provides child care or publicly	52057
funded child care for children on a temporary, irregular basis.	52058
(Q) "Employee" means a person who either:	52059
(1) Receives compensation for duties performed in a child	52060
day-care center, type A family day-care home, licensed type B	52061

family day-care home, or approved child day camp; 52062

(2) Is assigned specific working hours or duties in a child 52063
day-care center, type A family day-care home, licensed type B 52064
family day-care home, or approved child day camp. 52065

(R) "Employer" means a person, firm, institution, 52066
organization, or agency that operates a child day-care center, 52067
type A family day-care home, licensed type B family day-care home, 52068
or approved child day camp subject to licensure or approval under 52069
this chapter. 52070

(S) "Federal poverty line" means the official poverty 52071
guideline as revised annually in accordance with section 673(2) of 52072
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 52073
U.S.C. 9902, as amended, for a family size equal to the size of 52074
the family of the person whose income is being determined. 52075

(T) "Head start program" means a ~~comprehensive child~~ 52076
~~development school-readiness program serving birth to three years~~ 52077
~~old and preschool-age children that receives~~ satisfies all of the 52078
following: 52079

(1) Is for children from birth to age five who are from 52080
low-income families; 52081

(2) Receives funds distributed under the "Improving Head 52082
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981),~~ 42 52083
~~U.S.C.A. 9831, as amended, and is;~~ 52084

(3) Is licensed as a child care program. 52085

(U) "Homeless child care" means child care provided to a 52086
child who satisfies any of the following: 52087

(1) Is homeless as defined in 42 U.S.C. 11302; 52088

(2) Is a homeless child or youth as defined in 42 U.S.C. 52089
11434a; 52090

(3) Resides temporarily with a caretaker in a facility 52091

providing emergency shelter for homeless families or is determined 52092
by a county department of job and family services to be homeless. 52093

(V) "Income" means gross income, as defined in section 52094
5107.10 of the Revised Code, less any amounts required by federal 52095
statutes or regulations to be disregarded. 52096

(W) "Indicator checklist" means an inspection tool, used in 52097
conjunction with an instrument-based program monitoring 52098
information system, that contains selected licensing requirements 52099
that are statistically reliable indicators or predictors of a 52100
child day-care center's type A family day-care home's, or licensed 52101
type B family day-care home's compliance with licensing 52102
requirements. 52103

(X) "Infant" means a child who is less than eighteen months 52104
of age. 52105

(Y) "In-home aide" means a person who does not reside with 52106
the child but provides care in the child's home and is certified 52107
by a county director of job and family services pursuant to 52108
section 5104.12 of the Revised Code to provide publicly funded 52109
child care to a child in a child's own home pursuant to this 52110
chapter and any rules adopted under it. 52111

(Z) "Instrument-based program monitoring information system" 52112
means a method to assess compliance with licensing requirements 52113
for child day-care centers, type A family day-care homes, and 52114
licensed type B family day-care homes in which each licensing 52115
requirement is assigned a weight indicative of the relative 52116
importance of the requirement to the health, growth, and safety of 52117
the children that is used to develop an indicator checklist. 52118

(AA) "License capacity" means the maximum number in each age 52119
category of children who may be cared for in a child day-care 52120
center, type A family day-care home, or licensed type B family 52121
day-care home at one time as determined by the director of job and 52122

family services considering building occupancy limits established 52123
by the department of commerce, amount of available indoor floor 52124
space and outdoor play space, and amount of available play 52125
equipment, materials, and supplies. 52126

(BB) "Licensed child care program" means any of the 52127
following: 52128

(1) A child day-care center licensed by the department of job 52129
and family services pursuant to this chapter; 52130

(2) A type A family day-care home or type B family day-care 52131
home licensed by the department of job and family services 52132
pursuant to this chapter; 52133

(3) A licensed preschool program or licensed school child 52134
program. 52135

(CC) "Licensed preschool program" or "licensed school child 52136
program" means a preschool program or school child program, as 52137
defined in section 3301.52 of the Revised Code, that is licensed 52138
by the department of education pursuant to sections 3301.52 to 52139
3301.59 of the Revised Code. 52140

(DD) "Licensed type B family day-care home" and "licensed 52141
type B home" mean a type B family day-care home for which there is 52142
a valid license issued by the director of job and family services 52143
pursuant to section 5104.03 of the Revised Code. 52144

(EE) "Licensee" means the owner of a child day-care center, 52145
type A family day-care home, or type B family day-care home that 52146
is licensed pursuant to this chapter and who is responsible for 52147
ensuring compliance with this chapter and rules adopted pursuant 52148
to this chapter. 52149

(FF) "Operate a child day camp" means to operate, establish, 52150
manage, conduct, or maintain a child day camp. 52151

(GG) "Owner" includes a person, as defined in section 1.59 of 52152

the Revised Code, or government entity. 52153

(HH) "Parent cooperative child day-care center," "parent 52154
cooperative center," "parent cooperative type A family day-care 52155
home," and "parent cooperative type A home" mean a corporation or 52156
association organized for providing educational services to the 52157
children of members of the corporation or association, without 52158
gain to the corporation or association as an entity, in which the 52159
services of the corporation or association are provided only to 52160
children of the members of the corporation or association, 52161
ownership and control of the corporation or association rests 52162
solely with the members of the corporation or association, and at 52163
least one parent-member of the corporation or association is on 52164
the premises of the center or type A home during its hours of 52165
operation. 52166

(II) "Part-time child day-care center," "part-time center," 52167
"part-time type A family day-care home," and "part-time type A 52168
home" mean a center or type A home that provides child care or 52169
publicly funded child care for not more than four hours a day for 52170
any child or not more than fifteen consecutive weeks per year, 52171
regardless of the number of hours per day. 52172

(JJ) "Place of worship" means a building where activities of 52173
an organized religious group are conducted and includes the 52174
grounds and any other buildings on the grounds used for such 52175
activities. 52176

(KK) "Preschool-age child" means a child who is three years 52177
old or older but is not a school-age child. 52178

(LL) "Protective child care" means publicly funded child care 52179
for the direct care and protection of a child to whom all of the 52180
following apply: 52181

(1) A case plan has been prepared and maintained for the 52182
child pursuant to section 2151.412 of the Revised Code. 52183

(2) The case plan indicates a need for protective care.	52184
(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.	52185 52186 52187
(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.	52188 52189 52190 52191 52192 52193 52194 52195
(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.	52196 52197 52198 52199 52200 52201 52202
(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.	52203 52204 52205 52206 52207
(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.	52208 52209 52210
(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including	52211 52212 52213 52214

social, emotional, cognitive, communicative, perceptual, motor, 52215
physical, and behavioral development and that may include on a 52216
regular basis such services, adaptations, modifications, or 52217
adjustments needed to assist in the child's function or 52218
development. 52219

(RR) "Title IV-A" means Title IV-A of the "Social Security 52220
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 52221

(SS) "Title XX" means Title XX of the "Social Security Act," 52222
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 52223

(TT) "Toddler" means a child who is at least eighteen months 52224
of age but less than three years of age. 52225

(UU) "Type A family day-care home" and "type A home" mean the 52226
permanent residence of the administrator in which child care or 52227
publicly funded child care is provided for seven to twelve 52228
children at one time or a permanent residence of the administrator 52229
in which child care is provided for four to twelve children at one 52230
time if four or more children at one time are under two years of 52231
age. In counting children for the purposes of this division, any 52232
children under six years of age who are related to a licensee, 52233
administrator, or employee and who are on the premises of the type 52234
A home shall be counted. "Type A family day-care home" and "type A 52235
home" do not include any child day camp. 52236

(VV) "Type B family day-care home" and "type B home" mean a 52237
permanent residence of the provider in which care is provided for 52238
one to six children at one time and in which no more than three 52239
children are under two years of age at one time. In counting 52240
children for the purposes of this division, any children under six 52241
years of age who are related to the provider and who are on the 52242
premises of the type B home shall be counted. "Type B family 52243
day-care home" and "type B home" do not include any child day 52244
camp. 52245

Sec. 5104.017. The director of job and family services shall 52246
adopt rules pursuant to Chapter 119. of the Revised Code governing 52247
the operation of type A family day-care homes, including parent 52248
cooperative type A homes, part-time type A homes, and drop-in type 52249
A homes, ~~and school-age child type A homes~~. The rules shall 52250
reflect the various forms of child care and the needs of children 52251
receiving child care. The rules shall include the following: 52252

(A) Submission of a site plan and descriptive plan of 52253
operation to demonstrate how the type A home proposes to meet the 52254
requirements of this chapter and rules adopted pursuant to this 52255
chapter for the initial license application; 52256

(B) Standards for ensuring that the physical surroundings of 52257
the type A home are safe and sanitary, including the physical 52258
environment, the physical plant, and the equipment of the type A 52259
home; 52260

(C) Standards for the supervision, care, and discipline of 52261
children receiving child care or publicly funded child care in the 52262
type A home; 52263

(D) Standards for a program of activities, and for play 52264
equipment, materials, and supplies, to enhance the development of 52265
each child; however, any educational curricula, philosophies, and 52266
methodologies that are developmentally appropriate and that 52267
enhance the social, emotional, intellectual, and physical 52268
development of each child shall be permissible; 52269

(E) Admissions policies and procedures; 52270

(F) Health care policies and procedures, including procedures 52271
for the isolation of children with communicable diseases; 52272

(G) First aid and emergency procedures; 52273

(H) Procedures for discipline and supervision of children; 52274

(I) Standards for the provision of nutritious meals and 52275

snacks;	52276
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	52277 52278 52279
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	52280 52281
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	52282 52283 52284 52285
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	52286 52287 52288
(N) Procedures for record keeping, organization, and administration;	52289 52290
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	52291 52292 52293
(P) Inspection procedures;	52294
(Q) Procedures and standards for setting initial license application fees;	52295 52296
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	52297 52298
(S) Procedures for enforcing section 5104.04 of the Revised Code;	52299 52300
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	52301 52302 52303 52304 52305

(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	52306 52307 52308 52309
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	52310 52311 52312 52313
(W) Standards for the maximum number of children per child-care staff member;	52314 52315
(X) Requirements for the amount of usable indoor floor space for each child;	52316 52317
(Y) Requirements for safe outdoor play space;	52318
(Z) Qualifications and training requirements for administrators and for child-care staff members;	52319 52320
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	52321 52322 52323
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	52324 52325
(CC) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	52326 52327 52328
(DD) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	52329 52330
Sec. 5104.07. (A) The director of job and family services may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted	52331 52332 52333 52334

under it. The director shall develop standards as required by 52335
federal laws and regulations for child care programs supported by 52336
federal funds. 52337

(B)(1) On or before February 28, 1992, the department of job 52338
and family services shall develop a statewide plan for child care 52339
resource and referral services. The plan shall be based upon the 52340
experiences of other states with respect to child care resource 52341
and referral services, the experiences of communities in this 52342
state that have child care resource and referral service 52343
organizations, and the needs of communities in this state that do 52344
not have child care resource and referral service organizations. 52345
The plan shall be designed to ensure that child care resource and 52346
referral services are available in each county in the state to 52347
families who need child care. The department shall consider the 52348
special needs of migrant workers when it develops the plan and 52349
shall include in the plan procedures designed to accommodate the 52350
needs of migrant workers. 52351

~~(2) The director of job and family services shall adopt rules 52352
for funding child care resource and referral service 52353
organizations. The rules In addition to the requirements described 52354
in division (B)(1) of this section, the plan shall include all of 52355
the following: 52356~~

(a) A description of the services that a child care resource 52357
and referral service organization is required to provide to 52358
families who need child care; 52359

(b) The qualifications for a child care resource and referral 52360
service organization; 52361

(c) A description of the procedures for providing federal and 52362
state funding for county or multicounty child care resource and 52363
referral service organizations; 52364

(d) A timetable for providing child care resource and 52365

referral services to all communities in the state; 52366

(e) Uniform information gathering and reporting procedures 52367
that are designed to be used in compatible computer systems; 52368

(f) Procedures for establishing statewide nonprofit technical 52369
assistance services to coordinate uniform data collection and to 52370
publish reports on child care supply, demand, and cost and to 52371
provide technical assistance to communities that do not have child 52372
care resource and referral service organizations and to existing 52373
child care resource and referral service organizations; 52374

(g) Requirements governing contracts entered into under 52375
division (C) of this section, which may include limits on the 52376
percentage of funds distributed by the department that may be used 52377
for the contracts. 52378

(C) Child care resource and referral service organizations 52379
receiving funds distributed by the department may, ~~in accordance~~ 52380
~~with rules adopted under division (B)(2) of this section,~~ enter 52381
into contracts with local governmental entities, nonprofit 52382
organizations including nonprofit organizations that provide child 52383
care, and individuals under which the entities, organizations, or 52384
individuals may provide child care resource and referral services 52385
in the community with those funds, if the contracts are submitted 52386
to and approved by the department prior to execution. 52387

Sec. 5104.29. (A) As used in this section, "early learning 52388
and development program" has the same meaning as "licensed child 52389
care program" as defined in section 5104.01 of the Revised Code. 52390

(B) There is hereby created in the department of job and 52391
family services the step up to quality program, under which the 52392
department of job and family services, in cooperation with the 52393
department of education, shall develop a tiered quality rating and 52394
improvement system for all early learning and development programs 52395

in this state. The step up to quality program shall include all of 52396
the following components: 52397

(1) Quality program standards for early learning and 52398
development programs; 52399

(2) Accountability measures that include tiered ratings 52400
representing each program's level of quality; 52401

(3) Program and provider outreach and support to help 52402
programs meet higher standards and promote participation in the 52403
step up to quality program; 52404

(4) Financial incentives for early learning and development 52405
programs that provide publicly funded child care and are linked to 52406
achieving and maintaining quality standards; 52407

(5) Parent and consumer education to help parents learn about 52408
program quality and ratings so they can make informed choices on 52409
behalf of their children. 52410

(C) The step up to quality program shall have the following 52411
goals: 52412

(1) Increasing the number of low-income children, special 52413
needs children, and children with limited English proficiency 52414
participating in quality early learning and development programs; 52415

(2) Providing families with an easy-to-use tool for 52416
evaluating the quality of early learning and development programs; 52417

(3) Recognizing and supporting early learning and development 52418
programs that achieve higher levels of quality; 52419

(4) Providing incentives and supports to help early learning 52420
and development programs implement continuous quality improvement 52421
systems. 52422

(D) Under the step up to quality program, participating early 52423
learning and development programs may be eligible for grants, 52424
technical assistance, training, and other assistance. Programs 52425

that maintain a quality rating may be eligible for unrestricted monetary awards. 52426
52427

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 52428
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(1) Learning and development; 52432

(2) Administration and leadership practices; 52433

(3) Staff quality and professional development; 52434

(4) Family and community partnerships. 52435

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section. 52436
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(G)(1) ~~The By June 30, 2025, the~~ department of job and family services shall ensure that ~~the following percentages of all~~ early learning and development programs that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program. 52440
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~~(a) By June 30, 2017, twenty five per cent;~~ 52445

~~(b) By June 30, 2019, forty per cent;~~ 52446

~~(c) By June 30, 2021, sixty per cent;~~ 52447

~~(d) By June 30, 2023, eighty per cent;~~ 52448

~~(e) By June 30, 2025, one hundred per cent.~~ 52449

(2) This division does not apply to early learning and development programs that are either of the following: 52450
52451

(a) Licensed type B family day-care homes; 52452

(b) Providers described in division (C)(2) of section 5104.31 52453

of the Revised Code. 52454

Sec. 5104.34. (A)(1) Each county department of job and family 52455
services shall implement procedures for making determinations of 52456
eligibility for publicly funded child care. Under those 52457
procedures, the eligibility determination for each applicant shall 52458
be made no later than thirty calendar days from the date the 52459
county department receives a completed application for publicly 52460
funded child care. Each applicant shall be notified promptly of 52461
the results of the eligibility determination. An applicant 52462
aggrieved by a decision or delay in making an eligibility 52463
determination may appeal the decision or delay to the department 52464
of job and family services in accordance with section 5101.35 of 52465
the Revised Code. The due process rights of applicants shall be 52466
protected. 52467

To the extent permitted by federal law, the county department 52468
may make all determinations of eligibility for publicly funded 52469
child care, may contract with child care providers or child care 52470
resource and referral service organizations for the providers or 52471
resource and referral service organizations to make all or any 52472
part of the determinations, and may contract with child care 52473
providers or child care resource and referral service 52474
organizations for the providers or resource and referral service 52475
organizations to collect specified information for use by the 52476
county department in making determinations. If a county department 52477
contracts with a child care provider or a child care resource and 52478
referral service organization for eligibility determinations or 52479
for the collection of information, the contract shall require the 52480
provider or resource and referral service organization to make 52481
each eligibility determination no later than thirty calendar days 52482
from the date the provider or resource and referral organization 52483
receives a completed application that is the basis of the 52484
determination and to collect and transmit all necessary 52485

information to the county department within a period of time that 52486
enables the county department to make each eligibility 52487
determination no later than thirty days after the filing of the 52488
application that is the basis of the determination. 52489

The county department may station employees of the department 52490
in various locations throughout the county to collect information 52491
relevant to applications for publicly funded child care and to 52492
make eligibility determinations. The county department, child care 52493
provider, and child care resource and referral service 52494
organization shall make each determination of eligibility for 52495
publicly funded child care no later than thirty days after the 52496
filing of the application that is the basis of the determination, 52497
shall make each determination in accordance with any relevant 52498
rules adopted pursuant to section 5104.38 of the Revised Code, and 52499
shall notify promptly each applicant for publicly funded child 52500
care of the results of the determination of the applicant's 52501
eligibility. 52502

The director of job and family services shall adopt rules in 52503
accordance with Chapter 119. of the Revised Code for monitoring 52504
the eligibility determination process. In accordance with those 52505
rules, the state department shall monitor eligibility 52506
determinations made by county departments of job and family 52507
services and shall direct any entity that is not in compliance 52508
with this division or any rule adopted under this division to 52509
implement corrective action specified by the department. 52510

(2)(a) All eligibility determinations for publicly funded 52511
child care shall be made in accordance with rules adopted pursuant 52512
to division (A) of section 5104.38 of the Revised Code. Except as 52513
otherwise provided in this section, ~~both~~ all of the following 52514
apply: 52515

(i) Publicly funded child care may be provided only to 52516
eligible infants, toddlers, preschool-age children, school-age 52517

children under age thirteen, or children receiving special needs child care. 52518
52519

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 52520
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(iii) The eligibility period for publicly funded child care shall be at least twelve months. 52527
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 52529
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of ~~up to thirteen weeks~~ at least three months not to extend beyond the caretaker parent's ~~twelve-month~~ eligibility period. 52541
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(d) If a child turns thirteen, or if a child receiving 52548

special needs child care turns eighteen, during the ~~twelve-month~~ 52549
eligibility period, the caretaker parent may continue to receive 52550
publicly funded child care until the end of that ~~twelve-month~~ 52551
eligibility period. 52552

Subject to available funds, the department of job and family 52553
services shall allow a family to receive publicly funded child 52554
care unless the family's income exceeds the maximum income 52555
eligibility limit. Initial and continued eligibility for publicly 52556
funded child care is subject to available funds unless the family 52557
is receiving child care pursuant to division (A)(1), (2), (3), or 52558
(4) of section 5104.30 of the Revised Code. If the department must 52559
limit eligibility due to lack of available funds, it shall give 52560
first priority for publicly funded child care to an assistance 52561
group whose income is not more than the maximum income eligibility 52562
limit that received transitional child care in the previous month 52563
but is no longer eligible because the ~~twelve-month~~ eligibility 52564
period has expired. Such an assistance group shall continue to 52565
receive priority for publicly funded child care until its income 52566
exceeds the maximum income eligibility limit. 52567

(3) An assistance group that ceases to participate in the 52568
Ohio works first program established under Chapter 5107. of the 52569
Revised Code is eligible for transitional child care at any time 52570
during the immediately following twelve-month period that both of 52571
the following apply: 52572

(a) The assistance group requires child care due to 52573
employment; 52574

(b) The assistance group's income is not more than one 52575
hundred fifty per cent of the federal poverty line. 52576

An assistance group ineligible to participate in the Ohio 52577
works first program pursuant to section 5101.83 or section 5107.16 52578
of the Revised Code is not eligible for transitional child care. 52579

(B) To the extent permitted by federal law, the department of 52580
job and family services may require a caretaker parent determined 52581
to be eligible for publicly funded child care to pay a fee 52582
according to the schedule of fees established in rules adopted 52583
under section 5104.38 of the Revised Code. The department shall 52584
make protective child care services and homeless child care 52585
services available to children without regard to the income or 52586
assets of the caretaker parent of the child. 52587

(C) A caretaker parent receiving publicly funded child care 52588
shall report to the entity that determined eligibility any changes 52589
in status with respect to employment or participation in a program 52590
of education or training not later than ten calendar days after 52591
the change occurs. 52592

(D) If the department of job and family services determines 52593
that available resources are not sufficient to provide publicly 52594
funded child care to all eligible families who request it, the 52595
department may establish a waiting list. The department may 52596
establish separate waiting lists within the waiting list based on 52597
income. 52598

(E) A caretaker parent shall not receive publicly funded 52599
child care from more than one child care provider per child during 52600
a week, unless a county department grants the family an exemption 52601
for one of the following reasons: 52602

(1) The child needs additional care during non-traditional 52603
hours; 52604

(2) The child needs to change providers in the middle of the 52605
week and the hours of care provided by the providers do not 52606
overlap; 52607

(3) The child's provider is closed on scheduled school days 52608
off or on calamity days; 52609

~~(4) The child is enrolled in a part time program 52610~~

~~participating in the tiered quality rating and improvement system 52611
established under section 5104.29 of the Revised Code and needs 52612
care from an additional part time provider. 52613~~

(F) As used in this section, "maximum income eligibility 52614
limit" means the amount of income specified in rules adopted under 52615
division (A) of section 5104.38 of the Revised Code. 52616

Sec. 5107.10. (A) As used in this section: 52617

(1) "Countable income," "gross earned income," and "gross 52618
unearned income" have the meanings established in rules adopted 52619
under section 5107.05 of the Revised Code. 52620

(2) "Federal poverty guidelines" has the same meaning as in 52621
section 5101.46 of the Revised Code, except that references to a 52622
person's family in the definition shall be deemed to be references 52623
to the person's assistance group. 52624

(3) "Gross income" means gross earned income and gross 52625
unearned income. 52626

(4) "Strike" means continuous concerted action in failing to 52627
report to duty; willful absence from one's position; or stoppage 52628
of work in whole from the full, faithful, and proper performance 52629
of the duties of employment, for the purpose of inducing, 52630
influencing, or coercing a change in wages, hours, terms, and 52631
other conditions of employment. "Strike" does not include a 52632
stoppage of work by employees in good faith because of dangerous 52633
or unhealthful working conditions at the place of employment that 52634
are abnormal to the place of employment. 52635

(B) Under the Ohio works first program, an assistance group 52636
shall receive, except as otherwise provided by this chapter, 52637
time-limited cash assistance. In the case of an assistance group 52638
that includes a minor head of household or adult, assistance shall 52639
be provided in accordance with the self-sufficiency contract 52640

entered into under section 5107.14 of the Revised Code. 52641

(C)(1) To be eligible to participate in Ohio works first, an 52642
assistance group must meet all of the following requirements: 52643

(a) The assistance group, except as provided in division (E) 52644
of this section, must include at least one of the following: 52645

(i) A minor child who, except as provided in section 5107.24 52646
of the Revised Code, resides with a parent, or specified relative 52647
caring for the child, or, to the extent permitted by Title IV-A 52648
and federal regulations adopted until Title IV-A, resides with a 52649
guardian or custodian caring for the child; 52650

(ii) A parent residing with and caring for the parent's minor 52651
child who receives supplemental security income under Title XVI of 52652
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 52653
as amended, or federal, state, or local adoption assistance; 52654

(iii) A specified relative residing with and caring for a 52655
minor child who is related to the specified relative in a manner 52656
that makes the specified relative a specified relative and 52657
receives supplemental security income or federal, state, or local 52658
foster care, kinship guardianship, or adoption assistance; 52659

(iv) A woman at least six months pregnant. 52660

(b) The assistance group must meet the income requirements 52661
established by division (D) of this section. 52662

(c) No member of the assistance group may be involved in a 52663
strike. 52664

(d) The assistance group must satisfy the requirements for 52665
Ohio works first established by this chapter and section 5101.83 52666
of the Revised Code. 52667

(e) The assistance group must meet requirements for Ohio 52668
works first established by rules adopted under section 5107.05 of 52669
the Revised Code. 52670

(2) In addition to meeting the requirements specified in 52671
division (C)(1) of this section, a member of an assistance group 52672
who is required by section 5116.10 of the Revised Code to 52673
participate in the comprehensive case management and employment 52674
program must participate in that program to be eligible to 52675
participate in Ohio works first. 52676

(D)(1) Except as provided in division (D)(4) of this section, 52677
to determine whether an assistance group is initially eligible to 52678
participate in Ohio works first, a county department of job and 52679
family services shall do the following: 52680

(a) Determine whether the assistance group's gross income 52681
exceeds fifty per cent of the federal poverty guidelines. In 52682
making this determination, the county department shall disregard 52683
amounts that federal statutes or regulations and sections 5101.17 52684
and 5117.10 of the Revised Code require be disregarded. The 52685
assistance group is ineligible to participate in Ohio works first 52686
if the assistance group's gross income, less the amounts 52687
disregarded, exceeds fifty per cent of the federal poverty 52688
guidelines. 52689

(b) If the assistance group's gross income, less the amounts 52690
disregarded pursuant to division (D)(1)(a) of this section, does 52691
not exceed fifty per cent of the federal poverty guidelines, 52692
determine whether the assistance group's countable income is less 52693
than the payment standard. The assistance group is ineligible to 52694
participate in Ohio works first if the assistance group's 52695
countable income equals or exceeds the payment standard. 52696

(2) For the purpose of determining whether an assistance 52697
group meets the income requirement established by division 52698
(D)(1)(a) of this section, the annual revision that the United 52699
States department of health and human services makes to the 52700
federal poverty guidelines shall go into effect on the first day 52701
of July of the year for which the revision is made. 52702

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under

section 2151.412 of the Revised Code and that the agency is making 52735
reasonable efforts to return the children to the assistance group. 52736

(2) An assistance group may continue to participate in Ohio 52737
works first pursuant to division (E)(1) of this section for not 52738
more than six payment months. This division does not affect the 52739
eligibility of an assistance group that includes a woman at least 52740
six months pregnant. 52741

Sec. 5119.191. (A) As used in this section: 52742

(1) "Drug used in medication-assisted treatment or in 52743
withdrawal management or detoxification" means any drug approved 52744
by the United States food and drug administration for use in 52745
medication-assisted treatment, in mitigating opioid withdrawal 52746
symptoms, or in assisting with detoxification, regardless of the 52747
method the drug is administered or the form in which it is 52748
dispensed, including an oral drug, an injectable drug, or a 52749
long-acting or extended-release drug. "Drug used in 52750
medication-assisted treatment or in withdrawal management or 52751
detoxification" includes all of the following: 52752

(a) Any full agonist; 52753

(b) Any partial agonist; 52754

(c) Any antagonist; 52755

(d) Any alpha-2 adrenergic agonist. 52756

(2) "Medication-assisted treatment" has the same meaning as 52757
in section 340.01 of the Revised Code. 52758

(3) "Prescribed drug" has the same meaning as in section 52759
5164.01 of the Revised Code. 52760

(4) "Withdrawal management or detoxification" means a set of 52761
medical interventions aimed at managing the acute physical 52762
symptoms of intoxication and withdrawal. Detoxification denotes a 52763

clearing of toxins from the body of the patient who is acutely 52764
intoxicated, dependent on a substance of abuse, or both. 52765
Withdrawal management seeks to minimize the physical harm caused 52766
by the intoxication and withdrawal from a substance of abuse. 52767
Withdrawal management or detoxification occurs when the patient 52768
has a substance use disorder and either evidence of the 52769
characteristic withdrawal syndrome produced by withdrawal from 52770
that substance or evidence that supports the expectation that such 52771
a syndrome would develop without the provision of detoxification 52772
services. Withdrawal management alone does not constitute 52773
substance abuse treatment or rehabilitation. 52774

(B) There is hereby created a reimbursement program for drugs 52775
used in medication-assisted treatment or in withdrawal management 52776
or detoxification. The program shall be administered by the 52777
department of mental health and addiction services. 52778

The purpose of the program is to provide state reimbursement 52779
to counties for the cost of any drug used in medication-assisted 52780
treatment or in withdrawal management or detoxification and 52781
administered or dispensed to inmates of county jails in this 52782
state. Each county shall ensure that inmates have access to any 52783
drug used in medication-assisted treatment or in withdrawal 52784
management or detoxification that is a prescribed drug covered by 52785
the fee-for-service component of the medicaid program. 52786

The department, based on factors it considers appropriate, 52787
shall allocate an amount to each county for reimbursement of such 52788
drug costs incurred by the county. 52789

(C) The director of mental health and addiction services may 52790
adopt rules to implement this section. The rules, if adopted, 52791
shall be adopted in accordance with Chapter 119. of the Revised 52792
Code. 52793

Sec. 5119.27. (A) Records As used in this section: 52794

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 52795
52796

(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b). 52797
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(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 52800
52801

(B) In accordance with 42 U.S.C. 290dd-2, records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential, and may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding 42 C.F.R. Part 2. 52802
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~~(B)(C)~~ When the person, with respect to whom any record or information referred to in division ~~(A)~~(B) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the ~~following~~: 52815
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~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~ 52820
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~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~ 52822
52823

~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information~~ 52824
52825

requirements set forth in 42 C.F.R. 2.31. 52826

~~(C) A~~ (D) In accordance with 42 C.F.R. 2.35, a person who is 52827
subject to a community control sanction, ~~parole, or~~ a post-release 52828
control sanction, is on parole, or ~~who~~ is ordered to 52829
~~rehabilitation~~ intervention in lieu of conviction, and who has 52830
agreed to participate in a ~~drug treatment or rehabilitation~~ 52831
~~program~~ federally assisted program for the treatment of substance 52832
use disorders as a condition of the community control sanction, 52833
post-release control sanction, parole, or intervention order ~~to~~ 52834
~~rehabilitation,~~ shall ~~be considered to have consented~~ consent to 52835
the release of records and information relating to the progress of 52836
treatment, frequency of treatment, adherence to treatment 52837
requirements, and probable outcome of treatment. Release of 52838
information and records under this division shall be limited to 52839
the court or governmental personnel having the responsibility for 52840
supervising the person's community control sanction, post-release 52841
control sanction, parole, or intervention order ~~to rehabilitation.~~ 52842
A person, described in this division, who refuses to allow 52843
disclosure may be considered in violation of the conditions of the 52844
person's community control sanction, post-release control 52845
sanction, parole, or intervention order ~~to rehabilitation.~~ 52846

~~(D) Disclosure~~ (E) In accordance with 42 C.F.R. 2.52 and 52847
2.53, disclosure of a person's record may be made without the 52848
person's consent to qualified personnel for the purpose of 52849
conducting scientific research, management, financial audits, or 52850
program evaluation, but these personnel may not identify, directly 52851
or indirectly, any ~~individual~~ particular person in any report of 52852
the research, audit, or evaluation, or otherwise disclose a 52853
person's identity in any manner. 52854

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 52855
request of a prosecuting attorney or the director of mental health 52856
and addiction services, a court of competent jurisdiction may 52857

order the disclosure of records or information referred to in 52858
division ~~(A)~~(B) of this section if the court has reason to believe 52859
that a ~~treatment program or facility~~ federally assisted program 52860
for the treatment of substance use disorders is being operated or 52861
used in a manner contrary to law. The use of any information or 52862
record so disclosed shall be limited to the prosecution of persons 52863
who are or may be charged with any offense related to the illegal 52864
operation or use of the ~~drug treatment program or facility~~, or to 52865
the decision to withdraw the authority of a ~~drug treatment~~ the 52866
~~program or facility~~ to continue operation. For purposes of this 52867
division the court shall do all of the following: 52868

(1) Limit disclosure to those parts of the person's record 52869
considered essential to fulfill the objective for which the order 52870
was granted; 52871

(2) Require, where appropriate, that all information be 52872
disclosed in chambers; 52873

(3) Include any other appropriate measures to keep disclosure 52874
to a minimum, consistent with the protection of the persons 52875
seeking or receiving services, the ~~physician-patient~~ 52876
provider-client relationship, and the administration of the ~~drug~~ 52877
~~treatment and rehabilitation~~ program. 52878

~~(F) As used in this section:~~ 52879

~~(1) "Community control sanction" has the same meaning as in~~ 52880
~~section 2929.01 of the Revised Code.~~ 52881

~~(2) "Post-release control sanction" has the same meaning as~~ 52882
~~in section 2967.01 of the Revised Code.~~ 52883

Sec. 5119.33. (A)(1) The department of mental health and 52884
addiction services shall inspect and license all hospitals that 52885
receive mentally ill persons, except those hospitals managed by 52886
the department. No hospital may receive for care or treatment, 52887

either at public or private expense, any person who is or appears 52888
to be mentally ill, whether or not so adjudicated, unless the 52889
hospital has received a license from the department authorizing it 52890
to receive for care or treatment persons who are mentally ill or 52891
the hospital is managed by the department. 52892

(2) No such license shall be granted to a hospital for the 52893
treatment of mentally ill persons unless the department is 52894
satisfied, after investigation, that the hospital is managed and 52895
operated by qualified persons and has on its staff one or more 52896
qualified physicians responsible for the medical care of the 52897
patients confined there. At least one such physician shall be a 52898
psychiatrist. 52899

(B) The department shall adopt rules under Chapter 119. of 52900
the Revised Code prescribing minimum standards for the operation 52901
of hospitals for the care and treatment of mentally ill persons 52902
and establishing standards and procedures for the issuance, 52903
renewal, or revocation of full, probationary, and interim 52904
licenses. No license shall be granted to any hospital established 52905
or used for the care of mentally ill persons unless such hospital 52906
is operating in accordance with this section and rules adopted 52907
pursuant to this section. A full license shall expire one year 52908
after the date of issuance, a probationary license shall expire at 52909
the time prescribed by rule adopted pursuant to Chapter 119. of 52910
the Revised Code by the director of mental health and addiction 52911
services, and an interim license shall expire ninety days after 52912
the date of issuance. A full, probationary, or interim license may 52913
be renewed, except that an interim license may be renewed only 52914
twice. The department may fix reasonable fees for licenses and for 52915
license renewals. Such hospitals are subject to inspection and 52916
on-site review by the department. 52917

(C) Except as otherwise provided in Chapter 5122. of the 52918
Revised Code, neither the director of mental health and addiction 52919

services; an employee of the department; a board of alcohol, drug 52920
addiction, and mental health services or employee of a community 52921
mental health services provider; nor any other public official 52922
shall hospitalize any mentally ill person for care or treatment in 52923
any hospital that is not licensed in accordance with this section. 52924

(D)(1) The department may issue an order suspending the 52925
admission of patients who are mentally ill to a hospital for care 52926
or treatment if it finds either of the following: 52927

~~(1)(a)~~ The hospital is not in compliance with rules adopted 52928
by the director pursuant to this section. 52929

~~(2)(b)~~ The hospital has been cited for more than one 52930
violation of statutes or rules during any previous period of time 52931
during which the hospital is licensed pursuant to this section. 52932

(2)(a) Except as provided in division (D)(2)(b) of this 52933
section, proceedings initiated to suspend the admission of 52934
patients are governed by Chapter 119. of the Revised Code. 52935

(b) If a suspension of admissions is proposed because the 52936
director has determined that the licensee has demonstrated a 52937
pattern of serious noncompliance or that a violation creates a 52938
substantial risk to the health and safety of patients, the 52939
director may issue an order imposing the suspension of admissions 52940
before providing an opportunity for an adjudication under Chapter 52941
119. of the Revised Code. The director shall lift the order for 52942
the suspension of admissions if the director determines that the 52943
violation that formed the basis for the order has been corrected. 52944

(3) Appeals from proceedings initiated to order the 52945
suspension of admissions shall be conducted in accordance with 52946
Chapter 119. of the Revised Code, unless the order was issued 52947
before providing an opportunity for an adjudication, in which case 52948
all of the following apply: 52949

(a) The licensee may request a hearing not later than ten 52950

days after receiving the notice specified in section 119.07 of the 52951
Revised Code. 52952

(b) If a timely request for a hearing that includes the 52953
licensee's current address is made, the hearing shall commence not 52954
later than thirty days after the department receives the request. 52955

(c) After commencing, the hearing shall continue 52956
uninterrupted, except for Saturdays, Sundays, and legal holidays, 52957
unless other interruptions are agreed to by the licensee and the 52958
director. 52959

(d) If the hearing is conducted by a hearing examiner, the 52960
hearing examiner shall file a report and recommendations with the 52961
department not later than ten days after the last of the 52962
following: 52963

(i) The close of the hearing; 52964

(ii) If a transcript of the proceedings is ordered, the 52965
hearing examiner receives the transcript; 52966

(iii) If post-hearing briefs are timely filed, the hearing 52967
examiner receives the briefs. 52968

(e) The hearing examiner shall send a written copy of the 52969
report and recommendations, by certified mail, to the licensee, or 52970
the licensee's attorney, if applicable, not later than five days 52971
after the report is filed with the department. 52972

(f) Not later than five days after receiving the report and 52973
recommendations, the licensee may file objections with the 52974
department. 52975

(g) Not later than fifteen days after the hearing examiner 52976
files the report and recommendations, the department shall issue 52977
an order approving, modifying, or disapproving the report and 52978
recommendations. 52979

(h) Notwithstanding the pendency of the hearing, the 52980

department shall lift the order for the suspension of admissions 52981
if the department determines the violation that formed the basis 52982
for the order has been corrected. 52983

(E)(1) Any license issued by the department under this 52984
section may be revoked or not renewed by the department for any of 52985
the following reasons: 52986

~~(1)~~(a) The hospital is no longer a suitable place for the 52987
care or treatment of mentally ill persons. 52988

~~(2)~~(b) The hospital refuses to be subject to inspection or 52989
on-site review by the department. 52990

~~(3)~~(c) The hospital has failed to furnish humane, kind, and 52991
adequate treatment and care. 52992

~~(4)~~(d) The hospital fails to comply with the licensure rules 52993
of the department. 52994

(2) Proceedings initiated to deny applications for full or 52995
probationary licenses, to refuse to renew full or probationary 52996
licenses, or to revoke full or probationary licenses are governed 52997
by Chapter 119. of the Revised Code. If an order has been issued 52998
suspending the admission of patients, the order remains in effect 52999
during the pendency of those proceedings. 53000

(F)(1) In a proceeding initiated to suspend the admission of 53001
patients, to deny an application for a full or probationary 53002
license, to refuse to renew a full or probationary license, or to 53003
revoke a full or probationary license, the department may order 53004
the suspension, denial, refusal, or revocation regardless of 53005
whether some or all of the deficiencies that prompted the 53006
proceedings have been corrected at the time of the hearing. 53007

(2) When the department issues an order suspending the 53008
admission of patients, denies an application for a full or 53009
probationary license, refuses to renew a full or probationary 53010

license, or revokes a full or probationary license, the department 53011
shall not grant an opportunity for submitting a plan of 53012
correction. 53013

(G) The department may inspect, conduct an on-site review, 53014
and review the records of any hospital that the department has 53015
reason to believe is operating without a license. 53016

Sec. 5119.34. (A) As used in this section and sections 53017
5119.341 and 5119.342 of the Revised Code: 53018

(1) "Accommodations" means housing, daily meal preparation, 53019
laundry, housekeeping, arranging for transportation, social and 53020
recreational activities, maintenance, security, and other services 53021
that do not constitute personal care services or skilled nursing 53022
care. 53023

(2) "ADAMHS board" means a board of alcohol, drug addiction, 53024
and mental health services. 53025

(3) "Adult" means a person who is eighteen years of age or 53026
older, other than a person described in division (A)(4) of this 53027
section who is between eighteen and twenty-one years of age. 53028

(4) "Child" means a person who is under eighteen years of age 53029
or a person with a mental disability who is under twenty-one years 53030
of age. 53031

(5) "Community mental health services provider" means a 53032
community mental health services provider as defined in section 53033
5119.01 of the Revised Code. 53034

(6) "Community mental health services" means any mental 53035
health services certified by the department pursuant to section 53036
5119.36 of the Revised Code. 53037

(7) "Operator" means the person or persons, firm, 53038
partnership, agency, governing body, association, corporation, or 53039
other entity that is responsible for the administration and 53040

management of a residential facility and that is the applicant for a residential facility license. 53041
53042

(8) "Personal care services" means services including, but not limited to, the following: 53043
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(a) Assisting residents with activities of daily living; 53045

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 53046
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(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 53048
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services. 53052
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(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 53057
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(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 53060
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(11) "Supervision" means any of the following: 53062

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 53063
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(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 53066
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(c) Assisting a resident in making or keeping an appointment. 53069

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	53100 53101
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	53102 53103 53104
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	53105 53106
(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;	53107 53108
(g) Any facility that receives funding for operating costs from the <u>department of development services</u> services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;	53109 53110 53111 53112
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	53113 53114 53115
(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	53116 53117 53118 53119
(j) The residence of a relative or guardian of a person with mental illness.	53120 53121
(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.	53122 53123 53124 53125
(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:	53126 53127 53128 53129

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division ~~(L)~~(N) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a

residential facility if the person is or has been the owner, 53161
operator, or manager of a residential facility for which a license 53162
to operate was revoked or for which renewal of a license was 53163
refused for any reason other than nonpayment of the license 53164
renewal fee, unless both of the following conditions are met: 53165

(a) A period of not less than two years has elapsed since the 53166
date the director of mental health and addiction services issued 53167
the order revoking or refusing to renew the facility's license. 53168

(b) The director's revocation or refusal to renew the license 53169
was not based on an act or omission at the facility that violated 53170
a resident's right to be free from abuse, neglect, or 53171
exploitation. 53172

~~(F)~~(1)~~(F)~~ The department of mental health and addiction 53173
services shall inspect and license the operation of residential 53174
facilities. The department shall consider the past record of the 53175
facility and the applicant or licensee in arriving at its 53176
licensure decision. 53177

The department may issue full, probationary, and interim 53178
licenses. A full license shall expire up to three years after the 53179
date of issuance, a probationary license shall expire in a shorter 53180
period of time as specified in rules adopted by the director of 53181
mental health and addiction services under division ~~(L)~~(N) of this 53182
section, and an interim license shall expire ninety days after the 53183
date of issuance. A license may be renewed in accordance with 53184
rules adopted by the director under division ~~(L)~~(N) of this 53185
section. The renewal application shall be submitted by the 53186
operator. When applying for renewal of a license, the applicant 53187
shall pay to the department the renewal fee specified in rules 53188
adopted under division ~~(L)~~(N) of this section. The fee is 53189
nonrefundable. 53190

~~(2)~~The~~(G)~~(1) If the department finds any of the following 53191

with respect to a residential facility, the department may issue 53192
an order suspending the admission of residents to the facility or, 53193
refuse to issue or renew and may a license for the facility, or 53194
revoke a the facility's license if it finds any of the following: 53195

(a) The facility is not in compliance with rules adopted by 53196
the director pursuant to division ~~(L)~~(N) of this section; 53197

(b) Any facility operated by the applicant or licensee has 53198
been cited for a pattern of serious noncompliance or repeated 53199
violations of statutes or rules during the period of current or 53200
previous licenses; 53201

(c) The applicant or licensee submits false or misleading 53202
information as part of a license application, renewal, or 53203
investigation. 53204

(2) Proceedings initiated to deny applications for full or 53205
probationary licenses, to refuse to renew full or probationary 53206
licenses, or to revoke such full or probationary licenses are 53207
governed by Chapter 119. of the Revised Code. ~~An~~ If an order has 53208
been issued pursuant to this division suspending the admission of 53209
residents to the facility, the order remains in effect during the 53210
pendency of those proceedings. 53211

Proceedings initiated to suspend the admission of residents 53212
to a facility are governed by Chapter 119. of the Revised Code, 53213
except as provided in division (H) of this section. 53214

(3) In a proceeding initiated to suspend the admission of 53215
residents to a facility, to deny an application for a full or 53216
probationary license, to refuse to renew a full or probationary 53217
license, or to revoke a full or probationary license, the 53218
department may order the suspension, denial, refusal, or 53219
revocation regardless of whether some or all of the deficiencies 53220
that prompted the proceedings have been corrected at the time of 53221
the hearing. 53222

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 53254
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(i) The close of the hearing; 53258

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 53259
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 53261
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 53263
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 53267
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 53270
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 53274
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~~(G)~~(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 53278
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents 53281
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53283

and an insufficient number of licensed beds are available. 53284

(2) The residential facility applying for an interim license 53285
meets standards established for interim licenses in rules adopted 53286
by the director under division ~~(L)~~(N) of this section. 53287

An interim license shall be valid for ninety days and may be 53288
renewed by the director no more than twice. Proceedings initiated 53289
to deny applications for or to revoke interim licenses under this 53290
division are not subject to Chapter 119. of the Revised Code. 53291

~~(H)~~(1)~~(J)~~(1) The department of mental health and addiction 53292
services may conduct an inspection of a residential facility as 53293
follows: 53294

(a) Prior to issuance of a license for the facility; 53295

(b) Prior to renewal of the license; 53296

(c) To determine whether the facility has completed a plan of 53297
correction required pursuant to division ~~(H)~~(2)~~(J)~~(2) of this 53298
section and corrected deficiencies to the satisfaction of the 53299
department and in compliance with this section and rules adopted 53300
pursuant to it; 53301

(d) Upon complaint by any individual or agency; 53302

(e) At any time the director considers an inspection to be 53303
necessary in order to determine whether the facility is in 53304
compliance with this section and rules adopted pursuant to this 53305
section. 53306

(2) In conducting inspections the department may conduct an 53307
on-site examination and evaluation of the residential facility and 53308
its personnel, activities, and services. The department shall have 53309
access to examine and copy all records, accounts, and any other 53310
documents relating to the operation of the residential facility, 53311
including records pertaining to residents, and shall have access 53312
to the facility in order to conduct interviews with the operator, 53313

staff, and residents. Following each inspection and review, the 53314
department shall complete a report listing any deficiencies, and 53315
including, when appropriate, a time table within which the 53316
operator shall correct the deficiencies. The department may 53317
require the operator to submit a plan of correction describing how 53318
the deficiencies will be corrected. 53319

~~(I)~~(K) No person shall do any of the following: 53320

(1) Operate a residential facility unless the facility holds 53321
a valid license; 53322

(2) Violate any of the conditions of licensure after having 53323
been granted a license; 53324

(3) Interfere with a state or local official's inspection or 53325
investigation of a residential facility; 53326

(4) Violate any of the provisions of this section or any 53327
rules adopted pursuant to this section. 53328

~~(J)~~(L) The following may enter a residential facility at any 53329
time: 53330

(1) Employees designated by the director of mental health and 53331
addiction services; 53332

(2) Employees of an ADAMHS board under either of the 53333
following circumstances: 53334

(a) When a resident of the facility is receiving services 53335
from a community mental health services provider under contract 53336
with that ADAMHS board or another ADAMHS board; 53337

(b) When authorized by section 340.05 of the Revised Code. 53338

(3) Employees of a community mental health services provider 53339
under either of the following circumstances: 53340

(a) When the provider has a person receiving services 53341
residing in the facility; 53342

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract. 53343
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(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program. 53345
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The persons specified in division ~~(J)~~(L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents. 53350
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~~(K)~~(M) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. 53354
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~~(L)~~(N) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following: 53360
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(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities; 53364
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(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities; 53367
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(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents; 53369
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(4) The fee to be paid when applying for a new residential facility license or renewing the license;	53373 53374
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	53375 53376 53377 53378 53379 53380
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	53381 53382
(7) Measures to be taken by residential facilities relative to residents' medication;	53383 53384
(8) Requirements relating to preparation of special diets;	53385
(9) The maximum number of residents who may be served in a residential facility;	53386 53387
(10) The rights of residents of residential facilities and procedures to protect such rights;	53388 53389
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	53390 53391
(M)(1)(O)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	53392 53393 53394 53395 53396 53397 53398 53399
(2) Any person who makes a complaint under division (M)(1)(O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a	53400 53401 53402

complaint, is immune from civil liability and is not subject to 53403
criminal prosecution, other than for perjury, unless the person 53404
has acted in bad faith or with malicious purpose. 53405

~~(N)~~~~(1)~~~~(P)~~~~(1)~~ The director of mental health and addiction 53406
services may petition the court of common pleas of the county in 53407
which a residential facility is located for an order enjoining any 53408
person from operating a residential facility without a license or 53409
from operating a licensed facility when, in the director's 53410
judgment, there is a present danger to the health or safety of any 53411
of the occupants of the facility. The court shall have 53412
jurisdiction to grant such injunctive relief upon a showing that 53413
the respondent named in the petition is operating a facility 53414
without a license or there is a present danger to the health or 53415
safety of any residents of the facility. 53416

(2) When the court grants injunctive relief in the case of a 53417
facility operating without a license, the court shall issue, at a 53418
minimum, an order enjoining the facility from admitting new 53419
residents to the facility and an order requiring the facility to 53420
assist with the safe and orderly relocation of the facility's 53421
residents. 53422

(3) If injunctive relief is granted against a facility for 53423
operating without a license and the facility continues to operate 53424
without a license, the director shall refer the case to the 53425
attorney general for further action. 53426

~~(O)~~~~(Q)~~ The director may fine a person for violating division 53427
~~(I)~~~~(K)~~ of this section. The fine shall be five hundred dollars for 53428
a first offense; for each subsequent offense, the fine shall be 53429
one thousand dollars. The director's actions in imposing a fine 53430
shall be taken in accordance with Chapter 119. of the Revised 53431
Code. 53432

Sec. 5119.36. (A) A community mental health services provider 53433

applicant or community addiction services provider applicant that 53434
seeks certification of its certifiable services and supports shall 53435
submit an application to the director of mental health and 53436
addiction services. On receipt of the application, the director 53437
may conduct an on-site review and shall evaluate the applicant to 53438
determine whether its certifiable services and supports satisfy 53439
the standards established by rules adopted under this section. The 53440
director shall make the evaluation, and, if the director conducts 53441
an on-site review of the applicant, may make the review, in 53442
cooperation with a board of alcohol, drug addiction, and mental 53443
health services that seeks to contract with the applicant under 53444
section 340.036 of the Revised Code. 53445

(B) Subject to section 5119.361 of the Revised Code, the 53446
director shall determine whether the certifiable services and 53447
supports of a community mental health services provider applicant 53448
or community addiction services provider applicant satisfy the 53449
standards for certification. If the director determines that an 53450
applicant's certifiable services and supports satisfy the 53451
standards for certification and the applicant has paid the fee 53452
required by this section, the director shall certify the 53453
certifiable services and supports. 53454

No community mental health services provider shall be 53455
eligible to receive for its certifiable services and supports any 53456
state funds, federal funds, or funds administered by a board of 53457
alcohol, drug addiction, and mental health services, unless those 53458
certifiable services and supports have been certified by the 53459
director. 53460

No person or government entity subject to section 5119.35 of 53461
the Revised Code or any other community addiction services 53462
provider shall be eligible to receive for its services described 53463
in that section or its other certifiable services and supports any 53464

state funds, federal funds, or funds administered by a board of 53465
alcohol, drug addiction, and mental health services, unless those 53466
services or other certifiable services and supports have been 53467
certified by the director. 53468

(C) The director may refuse to certify certifiable services 53469
and supports, refuse to renew certification, or revoke 53470
certification if any of the following apply to an applicant for 53471
certification or the holder of the certification: 53472

(1) The applicant or holder is not in compliance with rules 53473
adopted under this section. 53474

(2) The applicant or holder has been cited for a pattern of 53475
serious noncompliance or repeated violations of statutes or rules 53476
during the current certification period or any previous 53477
certification period. 53478

(3) The applicant or holder submits false or misleading 53479
information as part of a certification application, renewal, or 53480
investigation. 53481

(D) Proceedings initiated to deny applications to certify 53482
certifiable services and supports, to refuse to renew 53483
certification, or to revoke certification are governed by Chapter 53484
119. of the Revised Code. If an order has been issued suspending 53485
admissions to a community addiction services provider that 53486
provides overnight accommodations, as provided in division (H) of 53487
this section, the order remains in effect during the pendency of 53488
those proceedings. 53489

(E) If the director determines that a community mental health 53490
services provider applicant's or a community addiction services 53491
provider applicant's certifiable services and supports do not 53492
satisfy the standards for certification, ~~the director shall~~ 53493
~~identify the areas of noncompliance, specify what action is~~ 53494
~~necessary to satisfy the standards, and may offer technical~~ 53495

~~assistance to the applicant and to a board of alcohol, drug 53496
addiction, and mental health services so that the board may assist 53497
the applicant in satisfying the standards. The director shall give 53498
the applicant a reasonable time within which to demonstrate that 53499
its certifiable services and supports satisfy the standards or to 53500
bring them into compliance with the standards. If the director 53501
concludes that the certifiable services and supports continue to 53502
fail to satisfy the standards, the director may request that the 53503
appropriate board of alcohol, drug addiction, and mental health 53504
services reallocate any funds for the certifiable services and 53505
supports the applicant was to provide to another community mental 53506
health services provider or community addiction services provider 53507
whose certifiable services and supports satisfy the standards. If 53508
the board does not reallocate such funds in a reasonable period of 53509
time, the director may withhold state and federal funds for the 53510
certifiable services and supports and allocate those funds 53511
directly to a community mental health services provider or 53512
community addiction services provider whose certifiable services 53513
and supports satisfy the standards. 53514~~

~~(D)(F)~~ Each community mental health services provider 53515
applicant or community addiction services provider applicant 53516
seeking certification of its certifiable services and supports 53517
under this section shall pay a fee for the certification required 53518
by this section, unless the applicant is exempt under rules 53519
adopted under this section. Fees shall be paid into the state 53520
treasury to the credit of the sale of goods and services fund 53521
created pursuant to section 5119.45 of the Revised Code. 53522

~~(E)(G)~~ The director shall adopt rules in accordance with 53523
Chapter 119. of the Revised Code to implement this section. The 53524
rules shall do all of the following: 53525

(1) Subject to section 340.034 of the Revised Code, specify 53526
the types of recovery supports that are required to be certified 53527

under this section; 53528

(2) Establish certification standards for certifiable 53529
services and supports that are consistent with nationally 53530
recognized applicable standards and facilitate participation in 53531
federal assistance programs. The rules shall include as 53532
certification standards only requirements that improve the quality 53533
of certifiable services and supports or the health and safety of 53534
persons receiving certifiable services and supports. The standards 53535
shall address at a minimum all of the following: 53536

(a) Reporting major unusual incidents to the director; 53537

(b) Procedures for applicants for and persons receiving 53538
certifiable services and supports to file grievances and 53539
complaints; 53540

(c) Seclusion; 53541

(d) Restraint; 53542

(e) Requirements regarding the physical facilities in which 53543
certifiable services and supports are provided; 53544

(f) Requirements with regard to health, safety, adequacy, and 53545
cultural specificity and sensitivity; 53546

(g) Standards for evaluating certifiable services and 53547
supports; 53548

(h) Standards and procedures for granting full, probationary, 53549
and interim certification of the certifiable services and supports 53550
of a community mental health services provider applicant or 53551
community addiction services provider applicant; 53552

(i) Standards and procedures for revoking the certification 53553
of a community mental health services provider's or community 53554
addiction services provider's certifiable services and supports 53555
that do not continue to meet the minimum standards established 53556
pursuant to this section; 53557

(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification; 53558
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53560

(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following: 53561
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(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports; 53564
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(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity; 53566
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(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons; 53568
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(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board. 53572
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(3) Establish the process for certification of certifiable services and supports; 53577
53578

(4) Set the amount of certification review fees; 53579

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 53580
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~~(F)~~(H)(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 53582
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53584
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~~(1)~~(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 53586
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+2)(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 53588
53589
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(2)(a) Except as provided in division (H)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 53591
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(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 53595
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 53604
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(a) The provider may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 53609
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(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 53612
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director. 53615
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 53619
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(i) The close of the hearing; 53623

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 53624
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 53626
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five days after the report is filed with the department. 53628
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(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department. 53632
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 53635
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 53639
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~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of 53643
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whether some or all of the deficiencies that prompted the 53649
proceedings have been corrected at the time of the hearing. 53650

(2) When the department issues an order suspending admissions 53651
to a community addiction services provider that provides overnight 53652
accommodations, denies an application for certification of 53653
certifiable services and supports, refuses to renew certification, 53654
or revokes a certification, the department shall not grant an 53655
opportunity for submitting a plan of correction. 53656

(J) The department of mental health and addiction services 53657
shall maintain a current list of community addiction services 53658
providers and shall provide a copy of the list to a judge of a 53659
court of common pleas who requests a copy for the use of the judge 53660
under division (H) of section 2925.03 of the Revised Code. The 53661
list shall identify each provider by its name, its address, and 53662
the county in which it is located. 53663

~~(H)~~(K) No person shall represent in any manner that a 53664
community mental health services provider's or community addiction 53665
services provider's certifiable services and supports are 53666
certified by the director if the certifiable services and supports 53667
are not so certified at the time the representation is made. 53668

Sec. 5119.37. (A)(1)(a) Except as provided in division 53669
(A)(1)(b) of this section, no person or government entity shall 53670
operate an opioid treatment program requiring certification, as 53671
certification is defined in 42 C.F.R. 8.2, unless the person or 53672
government entity is a community addiction services provider and 53673
the program is licensed under this section. 53674

(b) Division (A)(1)(a) of this section does not apply to a 53675
program operated by the United States department of veterans 53676
affairs. 53677

(2) No community addiction services provider licensed under 53678

this section shall operate an opioid treatment program in a manner 53679
inconsistent with this section and the rules adopted under it. 53680

(B) A community addiction services provider seeking a license 53681
to operate an opioid treatment program shall apply to the 53682
department of mental health and addiction services. The department 53683
shall review all applications received. 53684

(C) The department may issue a license to operate an opioid 53685
treatment program to a community addiction services provider only 53686
if all of the following apply: 53687

(1) During the three-year period immediately preceding the 53688
date of application, the provider or any owner, sponsor, medical 53689
director, administrator, or principal of the provider has been in 53690
good standing to operate an opioid treatment program in all other 53691
locations where the provider or such other person has been 53692
operating a similar program, as evidenced by both of the 53693
following: 53694

(a) Not having been denied a license, certificate, or similar 53695
approval to operate an opioid treatment program by this state or 53696
another jurisdiction; 53697

(b) Not having been the subject of any of the following in 53698
this state or another jurisdiction: 53699

(i) An action that resulted in the suspension or revocation 53700
of the license, certificate, or similar approval of the provider 53701
or other person; 53702

(ii) A voluntary relinquishment, withdrawal, or other action 53703
taken by the provider or other person to avoid suspension or 53704
revocation of the license, certificate, or similar approval; 53705

(iii) A disciplinary action that was based, in whole or in 53706
part, on the provider or other person engaging in the 53707
inappropriate prescribing, dispensing, administering, personally 53708

furnishing, diverting, storing, supplying, compounding, or selling 53709
of a controlled substance or other dangerous drug. 53710

(2) It affirmatively appears to the department that the 53711
provider is adequately staffed and equipped to operate an opioid 53712
treatment program. 53713

(3) It affirmatively appears to the department that the 53714
provider will operate an opioid treatment program in strict 53715
compliance with all laws relating to drug abuse and the rules 53716
adopted by the department. 53717

(4) Except as provided in division (D) of this section and 53718
section 5119.371 of the Revised Code, if the provider is seeking 53719
an initial license for a particular location, the proposed opioid 53720
treatment program is not located on a parcel of real estate that 53721
is within a radius of five hundred linear feet of the boundaries 53722
of a parcel of real estate having situated on it a public or 53723
private school, child day-care center licensed under Chapter 5104. 53724
of the Revised Code, or child-serving agency regulated by the 53725
department under this chapter. 53726

(5) The provider meets any additional requirements 53727
established by the department in rules adopted under division (F) 53728
of this section. 53729

(D) The department may waive the requirement of division 53730
(C)(4) of this section if it receives, from each public or private 53731
school, child day-care center, or child-serving agency that is 53732
within the five hundred linear feet radius described in that 53733
division, a letter of support for the location. The department 53734
shall determine whether a letter of support is satisfactory for 53735
purposes of waiving the requirement. 53736

(E) A license to operate an opioid treatment program shall 53737
expire ~~one year~~ two years from the date of issuance. Licenses may 53738
be renewed. 53739

(F) The department shall establish procedures and adopt rules 53740
for licensing, inspection, and supervision of community addiction 53741
services providers that operate an opioid treatment program. The 53742
rules shall establish standards for the control, storage, 53743
furnishing, use, dispensing, and administering of medications used 53744
in medication-assisted treatment; prescribe minimum standards for 53745
the operation of the opioid treatment program component of the 53746
provider's operations; and comply with federal laws and 53747
regulations. 53748

All rules adopted under this division shall be adopted in 53749
accordance with Chapter 119. of the Revised Code. All actions 53750
taken by the department regarding the licensing of providers to 53751
operate opioid treatment programs shall be conducted in accordance 53752
with Chapter 119. of the Revised Code, except as provided in 53753
division (L) of this section. 53754

(G)(1) The department shall inspect all community addiction 53755
services providers licensed to operate an opioid treatment 53756
program. Inspections shall be conducted at least ~~annually~~ 53757
biennially and may be conducted more frequently. 53758

In addition, the department may inspect any provider or other 53759
person that it reasonably believes to be operating an opioid 53760
treatment program without a license issued under this section. 53761

(2) When conducting an inspection, the department may do both 53762
of the following: 53763

(a) Examine and copy all records, accounts, and other 53764
documents relating to the provider's or other person's operations, 53765
including records pertaining to patients or clients; 53766

(b) Conduct interviews with any individual employed by or 53767
contracted or otherwise associated with the provider or person, 53768
including an administrator, staff person, patient, or client. 53769

(3) No person or government entity shall interfere with a 53770

state or local government official acting on behalf of the 53771
department while conducting an inspection. 53772

(H) A community addiction services provider shall not 53773
administer or dispense methadone in a tablet, powder, or 53774
intravenous form. Methadone shall be administered or dispensed 53775
only in a liquid form intended for ingestion. 53776

A community addiction services provider shall not administer 53777
or dispense a medication used in medication-assisted treatment for 53778
pain or other medical reasons. 53779

~~(I) As used in this division, "program sponsor" means a 53780
person who assumes responsibility for the operation and employees 53781
of the opioid treatment program component of a community addiction 53782
services provider's operations. 53783~~

A (1)(a) Except as provided in division (I)(1)(b) of this 53784
section, a community addiction services provider shall not employ 53785
an individual who receives a medication used in 53786
medication-assisted treatment from that provider. A 53787

(b) A community addiction services provider may employ an 53788
individual who receives a medication used in medication-assisted 53789
treatment from that provider if the individual is employed as a 53790
peer recovery supporter and either holds a valid peer recovery 53791
supporter certificate issued pursuant to rules adopted by the 53792
department or is in the process of obtaining such a certificate. 53793

(2)(a) As used in division (I)(2)(b) of this section, 53794
"program sponsor" means a person who assumes responsibility for 53795
the operation and employees of the opioid treatment program 53796
component of a community addiction services provider's operations. 53797

(b) A community addiction services provider shall not permit 53798
an individual to act as a program sponsor, medical director, or 53799
director of the provider if the individual is receiving ~~that~~ a 53800
medication used in medication-assisted treatment from any 53801

community addiction services provider. 53802

(J) The department may issue orders to ensure compliance with 53803
all laws relating to drug abuse and the rules adopted under this 53804
section. Subject to section 5119.27 of the Revised Code, the 53805
department may hold hearings, require the production of relevant 53806
matter, compel testimony, issue subpoenas, and make adjudications. 53807
Upon failure of a person without lawful excuse to obey a subpoena 53808
or to produce relevant matter, the department may apply to a court 53809
of common pleas for an order compelling compliance. 53810

(K) The department may refuse to issue, or may withdraw or 53811
revoke, a license to operate an opioid treatment program. A 53812
license may be refused if a community addiction services provider 53813
does not meet the requirements of division (C) of this section. A 53814
license may be withdrawn at any time the department determines 53815
that the provider no longer meets the requirements for receiving 53816
the license. A license may be revoked in accordance with division 53817
(L) of this section. 53818

Once a license is issued under this section, the department 53819
shall not consider the requirement of division (C)(4) of this 53820
section in determining whether to renew, withdraw, or revoke the 53821
license or whether to reissue the license as a result of a change 53822
in ownership. 53823

(L) If the department finds reasonable cause to believe that 53824
a community addiction services provider licensed under this 53825
section is in violation of any state or federal law or rule 53826
relating to drug abuse, the department may issue an order 53827
immediately revoking the license, subject to division (M) of this 53828
section. The department shall set a date not more than fifteen 53829
days later than the date of the order of revocation for a hearing 53830
on the continuation or cancellation of the revocation. For good 53831
cause, the department may continue the hearing on application of 53832
any interested party. In conducting hearings, the department has 53833

all the authority and power set forth in division (J) of this 53834
section. Following the hearing, the department shall either 53835
confirm or cancel the revocation. The hearing shall be conducted 53836
in accordance with Chapter 119. of the Revised Code, except that 53837
the provider shall not be permitted to operate an opioid treatment 53838
program pending the hearing or pending any appeal from an 53839
adjudication made as a result of the hearing. Notwithstanding any 53840
provision of Chapter 119. of the Revised Code to the contrary, a 53841
court shall not stay or suspend any order of revocation issued by 53842
the department under this division pending judicial appeal. 53843

(M) The department shall not revoke a license to operate an 53844
opioid treatment program unless all clients receiving medication 53845
used in medication-assisted treatment from the community addiction 53846
services provider are provided adequate substitute medication or 53847
treatment. For purposes of this division, the department may 53848
transfer the clients to other providers licensed to operate opioid 53849
treatment programs or replace any or all of the administrators and 53850
staff of the provider with representatives of the department who 53851
shall continue on a provisional basis the opioid treatment 53852
component of the provider's operations. 53853

(N) Each time the department receives an application from a 53854
community addiction services provider for a license to operate an 53855
opioid treatment program, issues or refuses to issue a license, or 53856
withdraws or revokes a license, the department shall notify the 53857
board of alcohol, drug addiction, and mental health services of 53858
each alcohol, drug addiction, and mental health service district 53859
in which the provider operates. 53860

(O) Whenever it appears to the department from files, upon 53861
complaint, or otherwise, that a community addiction services 53862
provider has engaged in any practice declared to be illegal or 53863
prohibited by section 3719.61 of the Revised Code, or any other 53864
state or federal laws or regulations relating to drug abuse, or 53865

when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.43. (A) The director of mental health and addiction services may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of mental health and addiction services in the following manner:

(1) The director of mental health and addiction services shall designate lands and facilities that are not needed by the department of mental health and addiction services and are under the jurisdiction of the department.

(2) The director of mental health and addiction services shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of mental health and addiction services a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of mental health and addiction services

shall certify to the clerk of the house of representatives and to 53897
the clerk of the senate a list of all lands and facilities which 53898
may be sold or leased, and shall include with the list the results 53899
of the preliminary appraisals of the lands and facilities, a 53900
general description of the land and facilities, and a description 53901
of the current use of the land and facilities. 53902

(4) Every list of lands and facilities certified by the 53903
director of mental health and addiction services to the clerk of 53904
the house of representatives and to the clerk of the senate under 53905
division (A)(3) of this section, shall immediately be transmitted 53906
by the respective clerks to the committees in the house and the 53907
senate to which land conveyance bills are usually referred. If 53908
either committee files in its clerk's office, within sixty 53909
calendar days of the original certification of the lands and 53910
facilities by the director of mental health and addiction 53911
services, a report disapproving the sale or lease of any lands or 53912
facilities, the sale or lease of the lands or facilities 53913
disapproved in the report shall not be made under this section. 53914
With respect to a sale or lease of lands and facilities that has 53915
not been disapproved under this division, the director of mental 53916
health and addiction services shall certify those lands and 53917
facilities to the ~~auditor of state~~ director of administrative 53918
services. 53919

(5) After certification to the ~~auditor of state~~ director of 53920
administrative services under division (A)(4) of this section, the 53921
director of mental health and addiction services shall have a 53922
formal appraisal made of the lands and facilities by a 53923
disinterested professional appraiser from the department of 53924
administrative services. The director of mental health and 53925
addiction services may accept the formal appraisal or may reject 53926
it and order a new formal appraisal by a disinterested 53927
professional appraiser who shall not be from the department of 53928

administrative services. The director of mental health and 53929
addiction services may then sell or lease the lands or facilities 53930
in accordance with this division and department of administrative 53931
services procedures as set forth in Chapter 123. of the Revised 53932
Code. Any such deed or lease shall be prepared and recorded 53933
pursuant to section 5301.13 of the Revised Code. The department of 53934
administrative services shall be the sole agent for the state and 53935
shall complete the sale or lease of the lands or facilities, up to 53936
and including the closing thereof, after the director of mental 53937
health and addiction services approves the sale price. The 53938
director of mental health and addiction services and the director 53939
of administrative services may, if it is determined to be in the 53940
best interests of the state, agree to sell surplus land for an 53941
amount less than the formal appraised value but shall not sell any 53942
land for less than two-thirds of the formal appraised value. 53943

(B) Coincident with the certification made under division 53944
(A)(3) of this section concerning lands which may be sold, the 53945
director of mental health and addiction services shall give 53946
written notice of ~~the director's~~ intention to sell the lands by 53947
certified mail to the executive officer of each county, township, 53948
municipal corporation, and school district within which the lands 53949
are situated. In each notice, the director of mental health and 53950
addiction services shall specify the conditions under which the 53951
lands shall be sold, including whether the lands will be sold as a 53952
single unit or sold in specific parcels that the director 53953
designates, and shall solicit from the subdivision offers to 53954
purchase the lands in accordance with the conditions the director 53955
of mental health and addiction services has specified and at a 53956
price equal to the preliminary appraised value determined pursuant 53957
to division (A)(2) of this section. If, within thirty days of 53958
having certified the lands to the ~~auditor of state~~ director of 53959
administrative services under division (A)(4) of this section, the 53960
director of mental health and addiction services receives from the 53961

executive officer of a subdivision a written offer to purchase the 53962
lands at or above the price specified in the ~~director's~~ original 53963
notice from the director of mental health and addiction services 53964
to the officer, provided such offer otherwise complies with the 53965
conditions of purchase specified in the ~~director's~~ original notice 53966
from the director of mental health and addiction services, the 53967
director of mental health and addiction services shall forthwith 53968
enter into an agreement to sell the lands to the subdivision. The 53969
agreement shall incorporate any and all terms that are acceptable 53970
to both parties and that are consistent with the terms specified 53971
in the ~~director's~~ original notice from the director of mental 53972
health and addiction services. If no offer to purchase is received 53973
by the director of mental health and addiction services within the 53974
thirty-day period provided in this division, the ~~director's~~ 53975
original notice from the director of mental health and addiction 53976
services shall be considered withdrawn and the director of mental 53977
health and addiction services shall be under no obligation to sell 53978
any of the lands specified in the notice to the subdivision. If 53979
two or more offers to purchase the same parcels of land are 53980
received by the director of mental health and addiction services 53981
within the required time period from the executive officers of two 53982
or more subdivisions, the director of mental health and addiction 53983
services shall accept the offer or offers to purchase that the 53984
director considers to be in the best interests of the state and of 53985
the department of mental health and addiction services and shall 53986
proceed to enter into agreements of sale pursuant to this 53987
division. If all of the ~~director's~~ original notices from the 53988
director of mental health and addiction services relating to a 53989
given parcel of land become withdrawn, the director of mental 53990
health and addiction services may thereupon proceed to sell the 53991
parcel as otherwise provided in this section. No subdivision may 53992
commence an action to enforce the provisions of this division, or 53993
to seek any other legal or equitable remedy relative to this 53994

division, with respect to any lands certified to the ~~auditor of~~ 53995
state director of administrative services under division (A)(4) of 53996
this section, except within sixty days of the date on which the 53997
lands were so certified. 53998

(C) Any agreement under this section shall be at such terms 53999
as will be in the best interests of the state and the department 54000
of mental health and addiction services. However, the terms of any 54001
agreement for sale shall include a provision that the purchaser 54002
will abide by any comprehensive plan for the area that has been 54003
adopted by the local government in which the property is located 54004
before the parties enter into the agreement. No lease shall be of 54005
a duration greater than fifteen years. No agreement, except an 54006
agreement entered into under division (B) of this section, shall 54007
be entered into before the proposal to sell or lease the land or 54008
facilities has been advertised once each week for four weeks in a 54009
newspaper of general circulation in every county in which the 54010
lands or facilities are located and if the preliminary appraised 54011
value of the land to be sold or leased is more than one hundred 54012
thousand dollars, advertisement shall be made once each week for 54013
four weeks in at least two newspapers in the state having a daily 54014
circulation of one hundred thousand or more. If a city in this 54015
state is served by more than one newspaper having a circulation of 54016
one hundred thousand or more, advertisement may be made in only 54017
one of the newspapers serving the city. 54018

(D) Each deed or lease prepared and recorded pursuant to this 54019
section shall contain a recital stating that all provisions of 54020
this section have been complied with. The recital shall be 54021
considered binding and conclusive against all subdivisions of the 54022
state provided no action has been commenced pursuant to division 54023
(B) of this section. Any deed or lease containing such a recital 54024
shall be conclusively presumed to have been executed in compliance 54025
with this section insofar as title or other interest of any bona 54026

fide purchasers, lessees, or transferees of the property is 54027
concerned. 54028

(E) Nothing in this section shall be construed as 54029
establishing a precedent for the disposal of state lands and 54030
facilities by other departments of the state. 54031

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 54032
Revised Code is guilty of a misdemeanor of the first degree. 54033

(B) Whoever violates division (B) of section 5119.61 of the 54034
Revised Code is guilty of a misdemeanor of the fourth degree. 54035

(C) Whoever violates section 5119.27 or 5119.28, division (A) 54036
of section 5119.35, division ~~(H)~~(K) of section 5119.36, or 54037
division (A)(1) or (2) of section 5119.37 of the Revised Code is 54038
guilty of a felony of the fifth degree. 54039

Sec. 5120.035. (A) As used in this section: 54040

(1) "Community treatment provider" means a program that 54041
provides substance use disorder assessment and treatment for 54042
persons and that satisfies all of the following: 54043

(a) It is located outside of a state correctional 54044
institution. 54045

(b) It shall provide the assessment and treatment for 54046
qualified prisoners referred and transferred to it under this 54047
section in a suitable facility that is licensed pursuant to 54048
division (C) of section 2967.14 of the Revised Code. 54049

(c) All qualified prisoners referred and transferred to it 54050
under this section shall reside initially in the suitable facility 54051
specified in division (A)(1)(b) of this section while undergoing 54052
the assessment and treatment. 54053

(2) "Electronic monitoring device" has the same meaning as in 54054
section 2929.01 of the Revised Code. 54055

(3) "State correctional institution" has the same meaning as 54056
in section 2967.01 of the Revised Code. 54057

(4) "Qualified prisoner" means a person who satisfies all of 54058
the following: 54059

(a) The person is confined in a state correctional 54060
institution under a prison term imposed for a felony of the third, 54061
fourth, or fifth degree that is not an offense of violence. 54062

~~(b) The person has not previously been convicted of or 54063
pleaded guilty to a felony offense of violence and, within the 54064
preceding five years, has not been convicted of or pleaded guilty 54065
to a misdemeanor offense of violence. 54066~~

~~(c) The department of rehabilitation and correction 54067
determines, using a standardized assessment tool, that the person 54068
has a substance use disorder. 54069~~

~~(d)~~(c) The person has not more than twelve months remaining 54070
to be served under the prison term described in division (A)(4)(a) 54071
of this section. 54072

~~(e)~~(d) The person is not serving any prison term other than 54073
the term described in division (A)(4)(a) of this section. 54074

~~(f)~~(e) The person is eighteen years of age or older. 54075

~~(g)~~(f) The person does not show signs of drug or alcohol 54076
withdrawal and does not require medical detoxification. 54077

~~(h)~~(g) As determined by the department of rehabilitation and 54078
correction, the person is physically and mentally capable of 54079
uninterrupted participation in the substance use disorder 54080
treatment program established under division (B) of this section. 54081

(B) The department of rehabilitation and correction shall 54082
establish and operate a program for community-based substance use 54083
disorder treatment for qualified prisoners. The purpose of the 54084
program shall be to provide substance use disorder assessment and 54085

treatment through community treatment providers to help reduce 54086
substance use relapses and recidivism for qualified prisoners 54087
while preparing them for reentry into the community and improving 54088
public safety. 54089

(C)(1) The department shall determine which qualified 54090
prisoners in its custody should be placed in the substance use 54091
disorder treatment program established under division (B) of this 54092
section. The department has full discretion in making that 54093
determination. If the department determines that a qualified 54094
prisoner should be placed in the program, the department may refer 54095
the prisoner to a community treatment provider the department has 54096
approved under division (E) of this section for participation in 54097
the program and transfer the prisoner from the state correctional 54098
institution to the provider's approved and licensed facility. 54099
Except as otherwise provided in division (C)(3) of this section, 54100
no prisoner shall be placed under the program in any facility 54101
other than a facility of a community treatment provider that has 54102
been so approved. If the department places a prisoner in the 54103
program, the prisoner shall receive credit against the prisoner's 54104
prison term for all time served in the provider's approved and 54105
licensed facility and may earn days of credit under section 54106
2967.193 of the Revised Code, but otherwise neither the placement 54107
nor the prisoner's participation in or completion of the program 54108
shall result in any reduction of the prisoner's prison term. 54109

(2) If the department places a prisoner in the substance use 54110
disorder treatment program, the prisoner does not satisfactorily 54111
participate in the program, and the prisoner has not served the 54112
prisoner's entire prison term, the department may remove the 54113
prisoner from the program and return the prisoner to a state 54114
correctional institution. 54115

(3) If the department places a prisoner in the substance use 54116
disorder treatment program and the prisoner is satisfactorily 54117

participating in the program, the department may permit the 54118
prisoner to reside at a residence approved by the department if 54119
the department determines, with input from the community treatment 54120
provider, that residing at the approved residence will help the 54121
prisoner prepare for reentry into the community and will help 54122
reduce substance use relapses and recidivism for the prisoner. If 54123
a prisoner is permitted under this division to reside at a 54124
residence approved by the department, the prisoner shall be 54125
monitored during the period of that residence by an electronic 54126
monitoring device. 54127

(D)(1) When a prisoner has been placed in the substance use 54128
disorder treatment program established under division (B) of this 54129
section, before the prisoner is released from custody of the 54130
department upon completion of the prisoner's prison term, the 54131
department shall conduct and prepare an evaluation of the 54132
prisoner, the prisoner's participation in the program, and the 54133
prisoner's needs regarding substance use disorder treatment upon 54134
release. Before the prisoner is released from custody of the 54135
department upon completion of the prisoner's prison term, the 54136
parole board or the court acting pursuant to an agreement under 54137
section 2967.29 of the Revised Code shall consider the evaluation, 54138
in addition to all other information and materials considered, as 54139
follows: 54140

(a) If the prisoner is a prisoner for whom post-release 54141
control is mandatory under section 2967.28 of the Revised Code, 54142
the board or court shall consider it in determining which 54143
post-release control sanction or sanctions to impose upon the 54144
prisoner under that section. 54145

(b) If the prisoner is a prisoner for whom post-release 54146
control is not mandatory under section 2967.28 of the Revised 54147
Code, the board or court shall consider it in determining whether 54148
a post-release control sanction is necessary and, if so, which 54149

post-release control sanction or sanctions to impose upon the 54150
prisoner under that section. 54151

(2) If the department determines that a prisoner it placed in 54152
the substance use disorder treatment program successfully 54153
completed the program and successfully completed a term of 54154
post-release control, if applicable, and if the prisoner submits 54155
an application under section 2953.32 of the Revised Code for 54156
sealing the record of the conviction, the director may issue a 54157
letter to the court in support of the application. 54158

(E)(1) The department shall accept applications from 54159
community treatment providers that satisfy the requirement 54160
specified in division (E)(2) of this section and that wish to 54161
participate in the substance use disorder treatment program 54162
established under division (B) of this section, and shall approve 54163
for participation in the program at least four and not more than 54164
eight of the providers that apply. To the extent feasible, the 54165
department shall approve one or more providers from each 54166
geographical quadrant of the state. 54167

(2) Each community treatment provider that applies under 54168
division (E)(1) of this section to participate in the program 54169
shall have the provider's alcohol and drug addiction services that 54170
provide substance use disorder treatment certified by the 54171
department of mental health and addiction services under section 54172
5119.36 of the Revised Code. A community treatment provider is not 54173
required to have the provider's halfway house or residential 54174
treatment certified by the department of mental health and 54175
addiction services. 54176

(F) The department of rehabilitation and correction shall 54177
adopt rules for the operation of the substance use disorder 54178
treatment program it establishes under division (B) of this 54179
section and shall operate the program in accordance with this 54180
section and those rules. The rules shall establish, at a minimum, 54181

all of the following:	54182
(1) Criteria that establish which qualified prisoners are eligible for the program;	54183 54184
(2) Criteria that must be satisfied to transfer a qualified prisoner to a residence pursuant to division (C)(3) of this section;	54185 54186 54187
(3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section;	54188 54189
(4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section;	54190 54191 54192
(5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment.	54193 54194 54195
Sec. 5120.62. The director or <u>of</u> rehabilitation and correction shall adopt rules under Chapter 119. of the Revised Code that govern the establishment and operation of a system that provides <u>limited and monitored</u> access to the internet for prisoners who are participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes <u>solely for a use or purpose approved by the managing officer of that prisoner's institution or by the managing officer's designee</u> . The rules shall include all of the following:	54196 54197 54198 54199 54200 54201 54202 54203 54204 54205
(A) Criteria by which inmates may be screened and approved for access or training involving the internet;	54206 54207
(B) Designation of the authority to approve internet sites for authorized use;	54208 54209
(C) A requirement that only pre-approved sites will be accessible on the computers used by prisoners in the educational	54210 54211

program; 54212

(D) A process for the periodic review of the operation of the 54213
system, including users of the system and the sites accessed by 54214
the system; 54215

(E) Sanctions that must be imposed against prisoners and 54216
staff members who violate department rules governing prisoner 54217
access to the internet. 54218

Sec. 5123.025. It is hereby declared to be the policy of this 54219
state that individuals with developmental disabilities shall have 54220
access to innovative technology solutions. Technology can ensure 54221
that people with developmental disabilities have increased 54222
opportunities to live, work, and thrive in their homes, 54223
communities, and places of employment through state of the art 54224
planning, innovative technology, and supports that focus on their 54225
talents, interests, and skills. 54226

The departments of developmental disabilities, education, 54227
medicaid, aging, job and family services, mental health and 54228
addiction services, and transportation; the opportunities for 54229
Ohioans with disabilities agency; and each other state agency that 54230
provides technology services to individuals with developmental 54231
disabilities shall implement the policy of this state and ensure 54232
that it is followed whenever technology services are provided to 54233
individuals with developmental disabilities. 54234

The department of developmental disabilities, in partnership 54235
with the office of innovateohio, shall coordinate the actions 54236
taken by state agencies to comply with the state's policy. 54237
Agencies shall collaborate within their divisions and with each 54238
other to ensure that state programs, policies, procedures, and 54239
funding support the development of access to technology for 54240
individuals with developmental disabilities. State agencies shall 54241
share information with the department, and the department shall 54242

track progress toward full implementation of the policy. The 54243
department, in coordination with the technology first task force 54244
established under section 5123.026 of Revised Code, shall compile 54245
data and annually submit to the governor and lieutenant governor a 54246
report on implementation of the policy. 54247

The department and state agencies may adopt rules to 54248
implement the state's policy. 54249

Sec. 5123.026. (A) The director of developmental disabilities 54250
shall establish a technology first task force consisting of 54251
representatives from the office of innovateohio; the departments 54252
of developmental disabilities, education, medicaid, aging, job and 54253
family services, mental health and addiction services, and 54254
transportation; and the opportunities for Ohioans with 54255
disabilities agency. 54256

(B) The task force shall do all of the following: 54257

(1) Expand innovative technology solutions within the 54258
operation and delivery of services to individuals with 54259
developmental disabilities; 54260

(2) Use technology to reduce the barriers individuals with 54261
developmental disabilities experience; 54262

(3) Align policies for all state agencies on the task force. 54263

(C) The department of developmental disabilities may enter 54264
into interagency agreements with any of the government entities on 54265
the task force. The interagency agreements may specify either or 54266
both of the following: 54267

(1) The roles and responsibilities of the government entities 54268
that are members of the task force, including any money to be 54269
contributed by those entities; 54270

(2) The projects and activities of the task force. 54271

(D) The department and state agencies may adopt rules to 54272
implement the task force. 54273

Sec. 5123.034. (A) As used in this section, "developmental 54274
center" has the same meaning as in section 5123.032 of the Revised 54275
Code. 54276

(B) A developmental center of the department of developmental 54277
disabilities may provide services to both of the following: 54278

(1) Individuals with developmental disabilities who reside in 54279
the community in which the developmental center is located; 54280

(2) Providers who provide services to individuals with 54281
developmental disabilities who reside in the community in which 54282
the developmental center is located. 54283

(C) The department may develop a method for recovering the 54284
costs associated with providing these services. 54285

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 54286
the Revised Code: 54287

(1) "Independent living arrangement" means an arrangement in 54288
which an individual with a developmental disability resides in an 54289
individualized setting chosen by the individual or the 54290
individual's guardian, which is not dedicated principally to the 54291
provision of residential services for individuals with 54292
developmental disabilities, and for which no financial support is 54293
received for rendering such service from any governmental agency 54294
by a provider of residential services. 54295

(2) "Licensee" means the person or government agency that has 54296
applied for a license to operate a residential facility and to 54297
which the license was issued under this section. 54298

(3) "Political subdivision" means a municipal corporation, 54299
county, or township. 54300

(4) "Related party" has the same meaning as in section 54301
5123.16 of the Revised Code except that "provider" as used in the 54302
definition of "related party" means a person or government entity 54303
that held or applied for a license to operate a residential 54304
facility, rather than a person or government entity certified to 54305
provide supported living. 54306

(5)(a) Except as provided in division (A)(5)(b) of this 54307
section, "residential facility" means a home or facility, 54308
including an ICF/IID, in which an individual with a developmental 54309
disability resides. 54310

(b) "Residential facility" does not mean any of the 54311
following: 54312

(i) The home of a relative or legal guardian in which an 54313
individual with a developmental disability resides; 54314

(ii) A respite care home certified under section 5126.05 of 54315
the Revised Code; 54316

(iii) A county home or district home operated pursuant to 54317
Chapter 5155. of the Revised Code; 54318

(iv) A dwelling in which the only residents with 54319
developmental disabilities are in independent living arrangements 54320
or are being provided supported living. 54321

(B) Every person or government agency desiring to operate a 54322
residential facility shall apply for licensure of the facility to 54323
the director of developmental disabilities unless the residential 54324
facility is subject to section 3721.02, 5103.03, 5119.33, or 54325
division (B)(1)(b) of section 5119.34 of the Revised Code. 54326

(C) Subject to section 5123.196 of the Revised Code, the 54327
director of developmental disabilities shall license the operation 54328
of residential facilities. An initial license shall be issued for 54329
a period that does not exceed one year, unless the director denies 54330

the license under division (D) of this section. A license shall be 54331
renewed for a period that does not exceed three years, unless the 54332
director refuses to renew the license under division (D) of this 54333
section. The director, when issuing or renewing a license, shall 54334
specify the period for which the license is being issued or 54335
renewed. A license remains valid for the length of the licensing 54336
period specified by the director, unless the license is 54337
terminated, revoked, or voluntarily surrendered. 54338

(D) If it is determined that an applicant or licensee is not 54339
in compliance with a provision of this chapter that applies to 54340
residential facilities or the rules adopted under such a 54341
provision, the director may deny issuance of a license, refuse to 54342
renew a license, terminate a license, revoke a license, issue an 54343
order for the suspension of admissions to a facility, issue an 54344
order for the placement of a monitor at a facility, issue an order 54345
for the immediate removal of residents, or take any other action 54346
the director considers necessary consistent with the director's 54347
authority under this chapter regarding residential facilities. In 54348
the director's selection and administration of the sanction to be 54349
imposed, all of the following apply: 54350

(1) The director may deny, refuse to renew, or revoke a 54351
license, if the director determines that the applicant or licensee 54352
has demonstrated a pattern of serious noncompliance or that a 54353
violation creates a substantial risk to the health and safety of 54354
residents of a residential facility. 54355

(2) The director may terminate a license if more than twelve 54356
consecutive months have elapsed since the residential facility was 54357
last occupied by a resident or a notice required by division (J) 54358
of this section is not given. 54359

(3) The director may issue an order for the suspension of 54360
admissions to a facility for any violation that may result in 54361
sanctions under division (D)(1) of this section and for any other 54362

violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility

whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue

uninterrupted, except for Saturdays, Sundays, and legal holidays, 54425
unless other interruptions are agreed to by the licensee and the 54426
director. 54427

(d) If the hearing is conducted by a hearing examiner, the 54428
hearing examiner shall file a report and recommendations not later 54429
than ten days after the last of the following: 54430

(i) The close of the hearing; 54431

(ii) If a transcript of the proceedings is ordered, the 54432
hearing examiner receives the transcript; 54433

(iii) If post-hearing briefs are timely filed, the hearing 54434
examiner receives the briefs. 54435

(e) A copy of the written report and recommendation of the 54436
hearing examiner shall be sent, by certified mail, to the licensee 54437
and the licensee's attorney, if applicable, not later than five 54438
days after the report is filed. 54439

(f) Not later than five days after the hearing examiner files 54440
the report and recommendations, the licensee may file objections 54441
to the report and recommendations. 54442

(g) Not later than fifteen days after the hearing examiner 54443
files the report and recommendations, the director shall issue an 54444
order approving, modifying, or disapproving the report and 54445
recommendations. 54446

(h) Notwithstanding the pendency of the hearing, the director 54447
shall lift the order for the suspension of admissions when the 54448
director determines that the violation that formed the basis for 54449
the order has been corrected. 54450

(F) Neither a person or government agency whose application 54451
for a license to operate a residential facility is denied nor a 54452
related party of the person or government agency may apply for a 54453
license to operate a residential facility before the date that is 54454

five years after the date of the denial. Neither a licensee whose 54455
residential facility license is revoked nor a related party of the 54456
licensee may apply for a residential facility license before the 54457
date that is five years after the date of the revocation. 54458

(G) In accordance with Chapter 119. of the Revised Code, the 54459
director shall adopt and may amend and rescind rules for licensing 54460
and regulating the operation of residential facilities. The rules 54461
for residential facilities that are ICFs/IID may differ from those 54462
for other residential facilities. The rules shall establish and 54463
specify the following: 54464

(1) Procedures and criteria for issuing and renewing 54465
licenses, including procedures and criteria for determining the 54466
length of the licensing period that the director must specify for 54467
each license when it is issued or renewed; 54468

(2) Procedures and criteria for denying, refusing to renew, 54469
terminating, and revoking licenses and for ordering the suspension 54470
of admissions to a facility, placement of a monitor at a facility, 54471
and the immediate removal of residents from a facility; 54472

(3) Fees for issuing and renewing licenses, which shall be 54473
deposited into the program fee fund created under section 5123.033 54474
of the Revised Code; 54475

(4) Procedures for surveying residential facilities; 54476

(5) Classifications for the various types of residential 54477
facilities; 54478

(6) The maximum number of individuals who may be served in a 54479
particular type of residential facility; 54480

(7) Uniform procedures for admission of individuals to and 54481
transfers and discharges of individuals from residential 54482
facilities; 54483

(8) Other standards for the operation of residential 54484

facilities and the services provided at residential facilities; 54485

(9) Procedures for waiving any provision of any rule adopted 54486
under this section. 54487

(H)(1) Before issuing a license, the director shall conduct a 54488
survey of the residential facility for which application is made. 54489
The director shall conduct a survey of each licensed residential 54490
facility at least once during the period the license is valid and 54491
may conduct additional inspections as needed. A survey includes 54492
but is not limited to an on-site examination and evaluation of the 54493
residential facility, its personnel, and the services provided 54494
there. The director may assign to a county board of developmental 54495
disabilities or the department of health the responsibility to 54496
conduct any survey or inspection under this section. 54497

(2) In conducting surveys, the director shall be given access 54498
to the residential facility; all records, accounts, and any other 54499
documents related to the operation of the facility; the licensee; 54500
the residents of the facility; and all persons acting on behalf 54501
of, under the control of, or in connection with the licensee. The 54502
licensee and all persons on behalf of, under the control of, or in 54503
connection with the licensee shall cooperate with the director in 54504
conducting the survey. 54505

(3) Following each survey, the director shall provide the 54506
licensee with a report listing the date of the survey, any 54507
citations issued as a result of the survey, and the statutes or 54508
rules that purportedly have been violated and are the bases of the 54509
citations. The director shall also do both of the following: 54510

(a) Specify a date by which the licensee may appeal any of 54511
the citations; 54512

(b) When appropriate, specify a timetable within which the 54513
licensee must submit a plan of correction describing how the 54514
problems specified in the citations will be corrected and, the 54515

date by which the licensee anticipates the problems will be 54516
corrected. 54517

(4) If the director initiates a proceeding to revoke a 54518
license, the director shall include the report required by 54519
division (H)(3) of this section with the notice of the proposed 54520
revocation the director sends to the licensee. In this 54521
circumstance, the licensee may not submit a plan of correction. 54522

(5) After a plan of correction is submitted, the director 54523
shall approve or disapprove the plan. If the plan of correction is 54524
approved, a copy of the approved plan shall be provided, not later 54525
than five business days after it is approved, to any person or 54526
government entity who requests it and made available on the 54527
internet web site maintained by the department of developmental 54528
disabilities. If the plan of correction is not approved and the 54529
director initiates a proceeding to revoke the license, a copy of 54530
the survey report shall be provided to any person or government 54531
entity that requests it and shall be made available on the 54532
internet web site maintained by the department. 54533

(6) The director shall initiate disciplinary action against 54534
any department employee who notifies or causes the notification to 54535
any unauthorized person of an unannounced survey of a residential 54536
facility by an authorized representative of the department. 54537

(I) In addition to any other information which may be 54538
required of applicants for a license pursuant to this section, the 54539
director shall require each applicant to provide a copy of an 54540
approved plan for a proposed residential facility pursuant to 54541
section 5123.042 of the Revised Code. This division does not apply 54542
to renewal of a license or to an applicant for an initial or 54543
modified license who meets the requirements of section 5123.197 of 54544
the Revised Code. 54545

(J)(1) A licensee shall notify the owner of the building in 54546

which the licensee's residential facility is located of any 54547
significant change in the identity of the licensee or management 54548
contractor before the effective date of the change if the licensee 54549
is not the owner of the building. 54550

(a) Division (J)(1)(b) of this section applies to a 54551
residential facility that meets both of the following criteria: 54552

(i) The building in which the residential facility is located 54553
was leased by the licensee between July 1, 1995, and July 1, 1996. 54554

(ii) The residential facility was operated at that building 54555
without a lease agreement for more than four years. 54556

(b) For a residential facility described in division 54557
(J)(1)(a) of this section, a license that specifies the location 54558
of a residential facility is not transferrable to a different 54559
location if the licensee is not the owner of the building where 54560
the residential facility is located. If a licensee no longer 54561
operates the residential facility at the location specified in the 54562
license, the owner of the building in which the residential 54563
facility is located may request that the director transfer the 54564
license to a different licensee or management contractor that is 54565
willing to operate the residential facility at that location. The 54566
director shall grant the license to the owner of the residential 54567
facility upon the owner's request. 54568

(c) Nothing in division (J)(1)(b) of this section shall be 54569
construed to require the director to increase the number of 54570
residential facility licenses in this state. 54571

(2) Pursuant to rules, which shall be adopted in accordance 54572
with Chapter 119. of the Revised Code, the director may require 54573
notification to the department of any significant change in the 54574
ownership of a residential facility or in the identity of the 54575
licensee or management contractor. If the director determines that 54576
a significant change of ownership is proposed, the director shall 54577

consider the proposed change to be an application for development 54578
by a new operator pursuant to section 5123.042 of the Revised Code 54579
and shall advise the applicant within sixty days of the 54580
notification that the current license shall continue in effect or 54581
a new license will be required pursuant to this section. If the 54582
director requires a new license, the director shall permit the 54583
facility to continue to operate under the current license until 54584
the new license is issued, unless the current license is revoked, 54585
refused to be renewed, or terminated in accordance with Chapter 54586
119. of the Revised Code. 54587

(3) A licensee shall transfer to the new licensee or 54588
management contractor all records related to the residents of the 54589
facility following any significant change in the identity of the 54590
licensee or management contractor. 54591

(K) A county board of developmental disabilities and any 54592
interested person may file complaints alleging violations of 54593
statute or department rule relating to residential facilities with 54594
the department. All complaints shall state the facts constituting 54595
the basis of the allegation. The department shall not reveal the 54596
source of any complaint unless the complainant agrees in writing 54597
to waive the right to confidentiality or until so ordered by a 54598
court of competent jurisdiction. 54599

The department shall adopt rules in accordance with Chapter 54600
119. of the Revised Code establishing procedures for the receipt, 54601
referral, investigation, and disposition of complaints filed with 54602
the department under this division. 54603

(L) Before issuing a license under this section to a 54604
residential facility that will accommodate at any time more than 54605
one individual with a developmental disability, the director 54606
shall, by first class mail, notify the following: 54607

(1) If the facility will be located in a municipal 54608

corporation, the clerk of the legislative authority of the 54609
municipal corporation; 54610

(2) If the facility will be located in unincorporated 54611
territory, the clerk of the appropriate board of county 54612
commissioners and the fiscal officer of the appropriate board of 54613
township trustees. 54614

The director shall not issue the license for ten days after 54615
mailing the notice, excluding Saturdays, Sundays, and legal 54616
holidays, in order to give the notified local officials time in 54617
which to comment on the proposed issuance. 54618

Any legislative authority of a municipal corporation, board 54619
of county commissioners, or board of township trustees that 54620
receives notice under this division of the proposed issuance of a 54621
license for a residential facility may comment on it in writing to 54622
the director within ten days after the director mailed the notice, 54623
excluding Saturdays, Sundays, and legal holidays. If the director 54624
receives written comments from any notified officials within the 54625
specified time, the director shall make written findings 54626
concerning the comments and the director's decision on the 54627
issuance of the license. If the director does not receive written 54628
comments from any notified local officials within the specified 54629
time, the director shall continue the process for issuance of the 54630
license. 54631

(M) Any person may operate a licensed residential facility 54632
that provides room and board, personal care, habilitation 54633
services, and supervision in a family setting for at least six but 54634
not more than eight individuals with developmental disabilities as 54635
a permitted use in any residential district or zone, including any 54636
single-family residential district or zone, of any political 54637
subdivision. These residential facilities may be required to 54638
comply with area, height, yard, and architectural compatibility 54639
requirements that are uniformly imposed upon all single-family 54640

residences within the district or zone. 54641

(N) Any person may operate a licensed residential facility 54642
that provides room and board, personal care, habilitation 54643
services, and supervision in a family setting for at least nine 54644
but not more than sixteen individuals with developmental 54645
disabilities as a permitted use in any multiple-family residential 54646
district or zone of any political subdivision, except that a 54647
political subdivision that has enacted a zoning ordinance or 54648
resolution establishing planned unit development districts may 54649
exclude these residential facilities from those districts, and a 54650
political subdivision that has enacted a zoning ordinance or 54651
resolution may regulate these residential facilities in 54652
multiple-family residential districts or zones as a conditionally 54653
permitted use or special exception, in either case, under 54654
reasonable and specific standards and conditions set out in the 54655
zoning ordinance or resolution to: 54656

(1) Require the architectural design and site layout of the 54657
residential facility and the location, nature, and height of any 54658
walls, screens, and fences to be compatible with adjoining land 54659
uses and the residential character of the neighborhood; 54660

(2) Require compliance with yard, parking, and sign 54661
regulation; 54662

(3) Limit excessive concentration of these residential 54663
facilities. 54664

(O) This section does not prohibit a political subdivision 54665
from applying to residential facilities nondiscriminatory 54666
regulations requiring compliance with health, fire, and safety 54667
regulations and building standards and regulations. 54668

(P) Divisions (M) and (N) of this section are not applicable 54669
to municipal corporations that had in effect on June 15, 1977, an 54670
ordinance specifically permitting in residential zones licensed 54671

residential facilities by means of permitted uses, conditional 54672
uses, or special exception, so long as such ordinance remains in 54673
effect without any substantive modification. 54674

(Q)(1) The director may issue an interim license to operate a 54675
residential facility to an applicant for a license under this 54676
section if either of the following is the case: 54677

(a) The director determines that an emergency exists 54678
requiring immediate placement of individuals in a residential 54679
facility, that insufficient licensed beds are available, and that 54680
the residential facility is likely to receive a permanent license 54681
under this section within thirty days after issuance of the 54682
interim license. 54683

(b) The director determines that the issuance of an interim 54684
license is necessary to meet a temporary need for a residential 54685
facility. 54686

(2) To be eligible to receive an interim license, an 54687
applicant must meet the same criteria that must be met to receive 54688
a permanent license under this section, except for any differing 54689
procedures and time frames that may apply to issuance of a 54690
permanent license. 54691

(3) An interim license shall be valid for thirty days and may 54692
be renewed by the director for a period not to exceed one hundred 54693
eighty days. 54694

(4) The director shall adopt rules in accordance with Chapter 54695
119. of the Revised Code as the director considers necessary to 54696
administer the issuance of interim licenses. 54697

(R) Notwithstanding rules adopted pursuant to this section 54698
establishing the maximum number of individuals who may be served 54699
in a particular type of residential facility, a residential 54700
facility shall be permitted to serve the same number of 54701
individuals being served by the facility on the effective date of 54702

the rules or the number of individuals for which the facility is 54703
authorized pursuant to a current application for a certificate of 54704
need with a letter of support from the department of developmental 54705
disabilities and which is in the review process prior to April 4, 54706
1986. 54707

This division does not preclude the department from 54708
suspending new admissions to a residential facility pursuant to a 54709
written order issued under section 5124.70 of the Revised Code. 54710

(S) The director may enter at any time, for purposes of 54711
investigation, any home, facility, or other structure that has 54712
been reported to the director or that the director has reasonable 54713
cause to believe is being operated as a residential facility 54714
without a license issued under this section. 54715

The director may petition the court of common pleas of the 54716
county in which an unlicensed residential facility is located for 54717
an order enjoining the person or governmental agency operating the 54718
facility from continuing to operate without a license. The court 54719
may grant the injunction on a showing that the person or 54720
governmental agency named in the petition is operating a 54721
residential facility without a license. The court may grant the 54722
injunction, regardless of whether the residential facility meets 54723
the requirements for receiving a license under this section. 54724

Sec. 5123.35. (A) There is hereby created the Ohio 54725
developmental disabilities council, which shall serve as an 54726
advocate for all persons with developmental disabilities. The 54727
council shall act in accordance with the "Developmental 54728
Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat.~~ 54729
~~2662 (1984)~~, 42 U.S.C. ~~6001, as amended~~ 15001. The governor shall 54730
appoint the members of the council in accordance with 42 U.S.C. 54731
~~6024~~ 15025. 54732

(B) The council shall develop the state plan required by 54733

federal law as a condition of receiving federal assistance under 54734
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 54735
developmental disabilities, as the state agency selected by the 54736
governor for purposes of receiving the federal assistance, shall 54737
receive, account for, and disburse funds based on the state plan 54738
and shall provide assurances and other administrative support 54739
services required as a condition of receiving the federal 54740
assistance. 54741

(C) The federal funds may be disbursed through grants to or 54742
contracts with persons and government agencies for the provision 54743
of necessary or useful goods and services for persons with 54744
developmental disabilities. The council may award the grants or 54745
enter into the contracts. 54746

(D) The council may award grants to or enter into contracts 54747
with a member of the council or an entity that the member 54748
represents if all of the following apply: 54749

(1) The member serves on the council as a representative of 54750
one of the principal state agencies concerned with services for 54751
persons with developmental disabilities as specified in 42 U.S.C. 54752
~~6024(b)(3)~~ 15025(b)(4), a representative of a university 54753
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a 54754
representative of the Ohio protection and advocacy system, as 54755
defined in section 5123.60 of the Revised Code. 54756

(2) The council determines that the member or the entity the 54757
member represents is capable of providing the goods or services 54758
specified under the terms of the grant or contract. 54759

(3) The member has not taken part in any discussion or vote 54760
of the council related to awarding the grant or entering into the 54761
contract, including service as a member of a review panel 54762
established by the council to award grants or enter into contracts 54763
or to make recommendations with regard to awarding grants or 54764

entering into contracts. 54765

(E) A member of the council is not in violation of Chapter 54766
102. or section 2921.42 of the Revised Code with regard to 54767
receiving a grant or entering into a contract under this section 54768
if the requirements of division (D) of this section have been met. 54769

(F)(1) Notwithstanding division (C) of section 121.22 of the 54770
Revised Code, the requirement for a member's presence in person at 54771
a meeting in order to be part of a quorum or to vote does not 54772
apply if the council holds a meeting by interactive video 54773
conference and all of the following apply: 54774

(a) A primary meeting location that is open and accessible to 54775
the public is established for the meeting of the council; 54776

(b) A clear video and audio connection is established that 54777
enables all meeting participants at the primary meeting location 54778
to witness the participation of each member; 54779

(c) A roll call vote is recorded for each vote taken; 54780

(d) The minutes of the council identify which members 54781
participated by interactive video conference. 54782

(2) Notwithstanding division (C) of section 121.22 of the 54783
Revised Code, the requirement for a member's presence in person at 54784
a meeting in order to be part of a quorum or to vote does not 54785
apply if the council holds a meeting by teleconference and all of 54786
the following apply: 54787

(a) The council has determined its membership does not have 54788
access to and the council cannot provide access to the equipment 54789
needed to conduct interactive video conferencing; 54790

(b) A primary meeting location that is open and accessible to 54791
the public is established for the meeting of the council; 54792

(c) A clear audio connection is established that enables all 54793
meeting participants at the primary meeting location to hear the 54794

participation of each member;	54795
(d) A roll call vote is recorded for each vote taken;	54796
(e) The minutes of the council identify which members participated by teleconference.	54797 54798
(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:	54799 54800 54801 54802
(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;	54803 54804 54805
(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;	54806 54807 54808 54809
(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;	54810 54811
(d) Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;	54812 54813 54814 54815
(e) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.	54816 54817
Sec. 5123.89. (A) As used in this section:	54818
(1) "Family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin.	54819 54820
(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person.	54821 54822 54823

(3) "Treatment" means the provision of services to a person, 54824
including the coordination or management of services provided to 54825
the person. 54826

(B) All certificates, applications, records, and reports made 54827
for the purpose of this chapter, other than court journal entries 54828
or court docket entries, that directly or indirectly identify a 54829
resident or former resident of an institution for persons with 54830
intellectual disabilities or person whose institutionalization has 54831
been sought under this chapter shall be kept confidential and 54832
shall not be disclosed by any person except in the following 54833
situations: 54834

(1) It is the judgment of the court for judicial records, and 54835
the managing officer for institution records, that disclosure is 54836
in the best interest of the person identified, and that person or 54837
that person's guardian or, if that person is a minor, that 54838
person's parent or guardian consents. 54839

(2) Disclosure is provided for in other sections of this 54840
chapter. 54841

(3) Disclosure is of a record deposited with the Ohio history 54842
connection pursuant to division (C) of section 5123.31 of the 54843
Revised Code and the disclosure is made to the closest living 54844
relative of the person identified, on the relative's request. 54845

(4) Disclosure is needed for the treatment of a person who is 54846
a resident or former resident of an institution for persons with 54847
intellectual disabilities or a person whose institutionalization 54848
has been sought under this chapter or is needed for the payment of 54849
services provided to the person. 54850

(5) Disclosure is needed for a guardianship proceeding under 54851
Chapter 2111. of the Revised Code. 54852

(C) The department of developmental disabilities shall adopt 54853
rules with respect to the systematic and periodic destruction of 54854

residents' records. 54855

(D) Upon the death of a resident or former resident of an 54856
institution for persons with intellectual disabilities or a person 54857
whose institutionalization was sought under this chapter, the 54858
managing officer of an institution shall provide access to the 54859
certificates, applications, records, and reports made for the 54860
purposes of this chapter to the resident's, former resident's, or 54861
person's guardian if the guardian makes a written request. If a 54862
deceased resident, former resident, or person whose 54863
institutionalization was sought under this chapter did not have a 54864
guardian at the time of death, the managing officer shall provide 54865
access to the certificates, applications, records, and reports 54866
made for purposes of this chapter to a member of the person's 54867
family, upon that family member's written request. 54868

(E) No person shall reveal the contents of a record of a 54869
resident except as authorized by this chapter. 54870

Sec. 5124.01. As used in this chapter: 54871

(A) "Addition" means an increase in an ICF/IID's square 54872
footage. 54873

(B) "Affiliated operator" means an operator affiliated with 54874
either of the following: 54875

(1) The exiting operator for whom the affiliated operator is 54876
to assume liability for the entire amount of the exiting 54877
operator's debt under the medicaid program or the portion of the 54878
debt that represents the franchise permit fee the exiting operator 54879
owes; 54880

(2) The entering operator involved in the change of operator 54881
with the exiting operator specified in division (B)(1) of this 54882
section. 54883

(C) "Allowable costs" means an ICF/IID's costs that the 54884

department of developmental disabilities determines are 54885
reasonable. Fines paid under section 5124.99 of the Revised Code 54886
are not allowable costs. 54887

(D) "Capital costs" means an ICF/IID's costs of ownership and 54888
costs of nonextensive renovation. 54889

(E) "Case-mix score" means the measure determined under 54890
section 5124.192, or 5124.193, ~~or 5124.197~~ of the Revised Code of 54891
the relative direct-care resources needed to provide care and 54892
habilitation to an ICF/IID resident. 54893

(F) "Change of operator" means an entering operator becoming 54894
the operator of an ICF/IID in the place of the exiting operator. 54895

(1) Actions that constitute a change of operator include the 54896
following: 54897

(a) A change in an exiting operator's form of legal 54898
organization, including the formation of a partnership or 54899
corporation from a sole proprietorship; 54900

(b) A transfer of all the exiting operator's ownership 54901
interest in the operation of the ICF/IID to the entering operator, 54902
regardless of whether ownership of any or all of the real property 54903
or personal property associated with the ICF/IID is also 54904
transferred; 54905

(c) A lease of the ICF/IID to the entering operator or the 54906
exiting operator's termination of the exiting operator's lease; 54907

(d) If the exiting operator is a partnership, dissolution of 54908
the partnership; 54909

(e) If the exiting operator is a partnership, a change in 54910
composition of the partnership unless both of the following apply: 54911

(i) The change in composition does not cause the 54912
partnership's dissolution under state law. 54913

(ii) The partners agree that the change in composition does 54914

not constitute a change in operator.	54915
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	54916 54917 54918 54919
(2) The following, alone, do not constitute a change of operator:	54920 54921
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	54922 54923 54924
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	54925 54926 54927 54928
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	54929 54930 54931 54932
(G) "Cost center" means the following:	54933
(1) Capital costs;	54934
(2) Direct care costs;	54935
(3) Indirect care costs;	54936
(4) Other protected costs.	54937
(H)(1) Except as provided in division (H)(2) of this section, "cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid payment rate determination is made begins.	54938 54939 54940 54941
(2) When a cost report the department of developmental disabilities accepts under division (A) or (C)(1)(b) of section	54942 54943

5124.101 of the Revised Code is used in determining an ICF/IID's 54944
medicaid payment rate, "cost report year" means the period that 54945
the cost report covers. 54946

(I) "Costs of nonextensive renovations" means ~~the following:~~ 54947

~~(1) For the purpose of determining an ICF/IID's per medicaid 54948
day capital component rate under section 5124.17 of the Revised 54949
Code, the actual expense incurred by the an ICF/IID for 54950
depreciation or amortization and interest on renovations approved 54951
by the department of developmental disabilities as nonextensive 54952
renovations:~~ 54953

~~(2) For the purpose of determining an ICF/IID's per medicaid 54954
day payment rate for reasonable capital costs under section 54955
5124.171 of the Revised Code, the actual expense incurred by the 54956
ICF/IID for depreciation or amortization and interest on 54957
renovations that are not extensive renovations. 54958~~

(J)(1) "Costs of ownership" means the actual expenses 54959
incurred by an ICF/IID for all of the following: 54960

(a) Subject to division (J)(2) of this section, depreciation 54961
and interest on any capital assets that cost five hundred dollars 54962
or more per item, including the following: 54963

(i) Buildings; 54964

(ii) Building improvements that are not approved as 54965
nonextensive renovations for the purpose of section 5124.17 ~~or~~ 54966
~~5124.171~~ of the Revised Code; 54967

(iii) Equipment; 54968

(iv) Transportation equipment; 54969

~~(v) For the purpose of determining an ICF/IID's per medicaid 54970
day payment rate for reasonable capital costs under section 54971
5124.171 of the Revised Code, extensive renovations. 54972~~

(b) Amortization and interest on land improvements and 54973

leasehold improvements;	54974
(c) Amortization of financing costs;	54975
(d) Except as provided in division (BB) (AA) of this section, lease and rent of land, building, and equipment.	54976 54977
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	54978 54979 54980
(K)(1) "Date of licensure" means the following:	54981
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	54982 54983 54984 54985 54986
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	54987 54988 54989
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	54990 54991 54992 54993 54994 54995
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	54996 54997 54998 54999 55000 55001
(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds	55002 55003

already located in that part of the ICF/IID. 55004

(b) The part of the ICF/IID in which the additional beds are 55005
located was constructed as part of the ICF/IID at a time when the 55006
ICF/IID was not required by law to be licensed as a nursing home 55007
or residential facility. 55008

(3) The definition of "date of licensure" in this section 55009
applies in determinations of ICFs/IID's medicaid payment rates but 55010
does not apply in determinations of ICFs/IID's franchise permit 55011
fees under sections 5168.60 to 5168.71 of the Revised Code. 55012

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 55013
on a cost report filed under section 5124.10 or 5124.101 of the 55014
Revised Code have been subjected to a desk review under section 55015
5124.108 of the Revised Code and preliminarily determined to be 55016
allowable costs. 55017

(M) "Developmental center" means a residential facility that 55018
is maintained and operated by the department of developmental 55019
disabilities. 55020

(N) "Direct care costs" means all of the following costs 55021
incurred by an ICF/IID: 55022

(1) Costs for registered nurses, licensed practical nurses, 55023
and nurse aides employed by the ICF/IID; 55024

(2) Costs for direct care staff, administrative nursing 55025
staff, medical directors, respiratory therapists, physical 55026
therapists, physical therapy assistants, occupational therapists, 55027
occupational therapy assistants, speech therapists, audiologists, 55028
habilitation staff (including habilitation supervisors), qualified 55029
intellectual disability professionals, program directors, social 55030
services staff, activities staff, psychologists, psychology 55031
assistants, social workers, counselors, and other persons holding 55032
degrees qualifying them to provide therapy; 55033

(3) Costs of purchased nursing services;	55034
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	55035 55036 55037 55038 55039 55040
(5) Costs of quality assurance;	55041
(6) Costs of consulting and management fees related to direct care;	55042 55043
(7) Allocated direct care home office costs;	55044
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	55045 55046 55047 55048
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	55049 55050
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	55051 55052 55053
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	55054 55055 55056
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	55057 55058 55059 55060
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	55061 55062
(Q) "Effective date of a facility closure" means the last day	55063

that the last of the residents of the ICF/IID resides in the 55064
ICF/IID. 55065

(R) "Effective date of an involuntary termination" means the 55066
date the department of medicaid terminates the operator's provider 55067
agreement for the ICF/IID or the last day that such a provider 55068
agreement is in effect when the department cancels or refuses to 55069
revalidate it. 55070

(S) "Effective date of a voluntary termination" means the day 55071
the ICF/IID ceases to accept medicaid recipients. 55072

(T) "Entering operator" means the person or government entity 55073
that will become the operator of an ICF/IID when a change of 55074
operator occurs or following an involuntary termination. 55075

(U) "Exiting operator" means any of the following: 55076

(1) An operator that will cease to be the operator of an 55077
ICF/IID on the effective date of a change of operator; 55078

(2) An operator that will cease to be the operator of an 55079
ICF/IID on the effective date of a facility closure; 55080

(3) An operator of an ICF/IID that is undergoing or has 55081
undergone a voluntary termination; 55082

(4) An operator of an ICF/IID that is undergoing or has 55083
undergone an involuntary termination. 55084

~~(V)(1) For the purpose of determining an ICF/IID's per 55085
medicaid day payment rate for reasonable capital costs under 55086
section 5124.171 of the Revised Code, "extensive renovation" means 55087
the following: 55088~~

~~(a) An ICF/IID's betterment, improvement, or restoration to 55089
which both of the following apply: 55090~~

~~(i) It was started before July 1, 1993. 55091~~

~~(ii) It meets the definition of "extensive renovation" 55092~~

~~established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~ 55093
55094

~~(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:~~ 55095
55096

~~(i) It was started on or after July 1, 1993.~~ 55097

~~(ii) Except as provided in division (V)(2) of this section, it costs more than sixty five per cent and not more than eighty five per cent of the cost of constructing a new bed.~~ 55098
55099
55100

~~(iii) It extends the useful life of the assets for at least ten years.~~ 55101
55102

~~(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~ 55103
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~~(3) For the purpose of division (V)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~ 55108
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~~(W)(1) Subject to divisions (W)(2) (V)(2) and (3) of this section, "facility closure" means either of the following:~~ 55116
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~~(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;~~ 55118
55119
55120

~~(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or~~ 55121
55122

other approval needed for that use being obtained and one or more 55123
of the facility's residents remaining in the facility to receive 55124
services under the new use. 55125

(2) A facility closure occurs regardless of any of the 55126
following: 55127

(a) The operator completely or partially replacing the 55128
ICF/IID by constructing a new ICF/IID or transferring the 55129
ICF/IID's license to another ICF/IID; 55130

(b) The ICF/IID's residents relocating to another of the 55131
operator's ICFs/IID; 55132

(c) Any action the department of health takes regarding the 55133
ICF/IID's medicaid certification that may result in the transfer 55134
of part of the ICF/IID's survey findings to another of the 55135
operator's ICFs/IID; 55136

(d) Any action the department of developmental disabilities 55137
takes regarding the ICF/IID's license under section 5123.19 of the 55138
Revised Code. 55139

(3) A facility closure does not occur if all of the ICF/IID's 55140
residents are relocated due to an emergency evacuation and one or 55141
more of the residents return to a medicaid-certified bed in the 55142
ICF/IID not later than thirty days after the evacuation occurs. 55143

~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as 55144
specified in section 9.34 of the Revised Code. 55145

~~(Y)~~(X) "Franchise permit fee" means the fee imposed by 55146
sections 5168.60 to 5168.71 of the Revised Code. 55147

~~(Z)~~(Y) "Home and community-based services" has the same 55148
meaning as in section 5123.01 of the Revised Code. 55149

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 55150
C.F.R. 440.150. 55151

~~(BB)~~~~(1)~~(AA)(1) "Indirect care costs" means all reasonable 55152

costs incurred by an ICF/IID other than capital costs, direct care 55153
costs, and other protected costs. "Indirect care costs" includes 55154
costs of habilitation supplies, pharmacy consultants, medical and 55155
habilitation records, program supplies, incontinence supplies, 55156
food, enterals, dietary supplies and personnel, laundry, 55157
housekeeping, security, administration, liability insurance, 55158
bookkeeping, purchasing department, human resources, 55159
communications, travel, dues, license fees, subscriptions, home 55160
office costs not otherwise allocated, legal services, accounting 55161
services, minor equipment, maintenance and repair expenses, 55162
help-wanted advertising, informational advertising, start-up 55163
costs, organizational expenses, other interest, property 55164
insurance, employee training and staff development, employee 55165
benefits, payroll taxes, and workers' compensation premiums or 55166
costs for self-insurance claims and related costs, as specified in 55167
rules adopted under section 5124.03 of the Revised Code, for 55168
personnel listed in this division. Notwithstanding division (J) of 55169
this section, "indirect care costs" also means the cost of 55170
equipment, including vehicles, acquired by operating lease 55171
executed before December 1, 1992, if the costs are reported as 55172
administrative and general costs on the ICF/IID's cost report for 55173
the cost reporting period ending December 31, 1992. 55174

(2) For the purpose of division ~~(BB)~~(1)~~(AA)~~(1) of this 55175
section, an operating lease shall be construed in accordance with 55176
generally accepted accounting principles. 55177

~~(CC)~~(BB) "Inpatient days" means both of the following: 55178

(1) All days during which a resident, regardless of payment 55179
source, occupies a bed in an ICF/IID that is included in the 55180
ICF/IID's medicaid-certified capacity; 55181

(2) All days for which payment is made under section 5124.34 55182
of the Revised Code. 55183

~~(DD)~~(CC) "Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).

~~(EE)~~(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request.

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as provided in division (XX)(2)(b) of this section,~~ expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

~~(HH)~~(GG) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

~~(II)~~(1)(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:	55214
(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;	55215 55216 55217 55218
(b) A downsized ICF/IID or partially converted ICF/IID.	55219
(JJ) (II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	55220 55221
(KK) (JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.	55222 55223 55224
(LL) (KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.	55225 55226 55227 55228 55229 55230 55231
(MM) (1)(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:	55232 55233 55234 55235
(a) The land on which the ICF/IID is located;	55236
(b) The structure in which the ICF/IID is located;	55237
(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;	55238 55239 55240
(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.	55241 55242
(2) "Owner" does not mean a holder of a debenture or bond	55243

related to an ICF/IID and purchased at public issue or a regulated 55244
lender that has made a loan related to the ICF/IID unless the 55245
holder or lender operates the ICF/IID directly or through a 55246
subsidiary. 55247

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that 55248
converted some, but not all, of its beds to providing home and 55249
community-based services under the individual options waiver 55250
pursuant to section 5124.60 or 5124.61 of the Revised Code. 55251

~~(OO)~~(1)~~(NN)~~ For the purpose of the total per medicaid day 55252
payment rate determined for an ICF/IID under division ~~(B)~~(A) of 55253
section 5124.15 of the Revised Code and the initial total per 55254
medicaid day payment rate determined for a new ICF/IID under 55255
section 5124.151 of the Revised Code: 55256

~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a 55257
medicaid-certified capacity exceeding sixteen. 55258

~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a 55259
medicaid-certified capacity exceeding eight but not exceeding 55260
sixteen. 55261

~~(c)~~(3) "Peer group ~~3-A3~~" means each ICF/IID with a 55262
medicaid-certified capacity of seven or eight. 55263

~~(d)~~(4) "Peer group ~~4-A4~~" means each ICF/IID with a 55264
medicaid-certified capacity not exceeding six, other than an 55265
ICF/IID that is in peer group 5-A. 55266

~~(e)~~(5) "Peer group ~~5-A5~~" means each ICF/IID to which all of 55267
the following apply: 55268

~~(i)~~(a) The ICF/IID is first certified as an ICF/IID after 55269
July 1, 2014. 55270

~~(ii)~~(b) The ICF/IID has a medicaid-certified capacity not 55271
exceeding six. 55272

~~(iii)~~(c) The ICF/IID has a contract with the department of 55273

developmental disabilities that is for fifteen years and includes 55274
a provision for the department to approve all admissions to, and 55275
discharges from, the ICF/IID. 55276

~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID 55277
directly from a developmental center or have been determined by 55278
the department to be at risk of admission to a developmental 55279
center. 55280

~~(2) For the purpose of the total per medicaid day payment 55281
rate determined for an ICF/IID under division (C) of section 55282
5124.15 of the Revised Code:~~ 55283

~~(a) "Peer group 1 B" means each ICF/IID with a 55284
medicaid-certified capacity exceeding eight. 55285~~

~~(b) "Peer group 2 B" means each ICF/IID with a 55286
medicaid-certified capacity not exceeding eight, other than an 55287
ICF/IID that is in peer group 3. 55288~~

~~(c) "Peer group 3 B" means each ICF/IID to which all of the 55289
following apply: 55290~~

~~(i) The ICF/IID is first certified as an ICF/IID after July 55291
1, 2014; 55292~~

~~(ii) The ICF/IID has a medicaid-certified capacity not 55293
exceeding six; 55294~~

~~(iii) The ICF/IID has a contract with the department of 55295
developmental disabilities that is for fifteen years and includes 55296
a provision for the department to approve all admissions to, and 55297
discharges from, the ICF/IID; 55298~~

~~(iv) The ICF/IID's residents are admitted to the ICF/IID 55299
directly from a developmental center or have been determined by 55300
the department to be at risk of admission to a developmental 55301
center. 55302~~

~~(PP)(1)(OO)(1) Except as provided in divisions (PP)(2) and 55303~~

~~(3)~~ (OO)(2) of this section, "per diem" means an 55304
ICF/IID's desk-reviewed, actual, allowable costs in a given cost 55305
center in a cost reporting period, divided by the facility's 55306
inpatient days for that cost reporting period. 55307

(2) ~~When determining capital costs for the purpose of section 55308
5124.171 of the Revised Code, "per diem" means an ICF/IID's 55309
actual, allowable capital costs in a cost reporting period divided 55310
by the greater of the facility's inpatient days for that period or 55311
the number of inpatient days the ICF/IID would have had during 55312
that period if its occupancy rate had been ninety five per cent. 55313~~

~~(3)~~ When determining indirect care costs for the purpose of 55314
section 5124.21 ~~or 5124.211~~ of the Revised Code, "per diem" means 55315
an ICF/IID's actual, allowable indirect care costs in a cost 55316
reporting period divided by the greater of the ICF/IID's inpatient 55317
days for that period or the number of inpatient days the ICF/IID 55318
would have had during that period if its occupancy rate had been 55319
eighty-five per cent. 55320

~~(OO)~~(PP) "Provider" means an operator with a valid provider 55321
agreement. 55322

~~(RR)~~(OO) "Provider agreement" means a provider agreement, as 55323
defined in section 5164.01 of the Revised Code, that is between 55324
the department of medicaid and the operator of an ICF/IID for the 55325
provision of ICF/IID services under the medicaid program. 55326

~~(SS)~~(RR) "Purchased nursing services" means services that are 55327
provided in an ICF/IID by registered nurses, licensed practical 55328
nurses, or nurse aides who are not employees of the ICF/IID. 55329

~~(TT)~~(SS) "Reasonable" means that a cost is an actual cost 55330
that is appropriate and helpful to develop and maintain the 55331
operation of resident care facilities and activities, including 55332
normal standby costs, and that does not exceed what a prudent 55333
buyer pays for a given item or services. Reasonable costs may vary 55334

from provider to provider and from time to time for the same 55335
provider. 55336

~~(UU)~~(TT) "Related party" means an individual or organization 55337
that, to a significant extent, has common ownership with, is 55338
associated or affiliated with, has control of, or is controlled 55339
by, a provider. 55340

(1) An individual who is a relative of an owner is a related 55341
party. 55342

(2) Common ownership exists when an individual or individuals 55343
possess significant ownership or equity in both the provider and 55344
the other organization. Significant ownership or equity exists 55345
when an individual or individuals possess five per cent ownership 55346
or equity in both the provider and a supplier. Significant 55347
ownership or equity is presumed to exist when an individual or 55348
individuals possess ten per cent ownership or equity in both the 55349
provider and another organization from which the provider 55350
purchases or leases real property. 55351

(3) Control exists when an individual or organization has the 55352
power, directly or indirectly, to significantly influence or 55353
direct the actions or policies of an organization. 55354

(4) An individual or organization that supplies goods or 55355
services to a provider shall not be considered a related party if 55356
all of the following conditions are met: 55357

(a) The supplier is a separate bona fide organization. 55358

(b) A substantial part of the supplier's business activity of 55359
the type carried on with the provider is transacted with others 55360
than the provider and there is an open, competitive market for the 55361
types of goods or services the supplier furnishes. 55362

(c) The types of goods or services are commonly obtained by 55363
other ICFs/IID from outside organizations and are not a basic 55364

element of resident care ordinarily furnished directly to 55365
residents by the ICFs/IID. 55366

(d) The charge to the provider is in line with the charge for 55367
the goods or services in the open market and no more than the 55368
charge made under comparable circumstances to others by the 55369
supplier. 55370

~~(VV)~~(UU) "Relative of owner" means an individual who is 55371
related to an owner of an ICF/IID by one of the following 55372
relationships: 55373

(1) Spouse; 55374

(2) Natural parent, child, or sibling; 55375

(3) Adopted parent, child, or sibling; 55376

(4) Stepparent, stepchild, stepbrother, or stepsister; 55377

(5) Father-in-law, mother-in-law, son-in-law, 55378
daughter-in-law, brother-in-law, or sister-in-law; 55379

(6) Grandparent or grandchild; 55380

(7) Foster caregiver, foster child, foster brother, or foster 55381
sister. 55382

~~(WW)~~(VV) For the purpose of determining an ICF/IID's per 55383
medicaid day capital component rate under section 5124.17 of the 55384
Revised Code, "renovation" means an ICF/IID's betterment, 55385
improvement, or restoration, other than an addition, through a 55386
capital expenditure. 55387

~~(XX)(1) For the purpose of determining an ICF/IID's per 55388
medicaid day payment rate for reasonable capital costs under 55389
section 5124.171 of the Revised Code, "renovation" means the 55390
following: 55391~~

~~(a) An ICF/IID's betterment, improvement, or restoration to 55392
which both of the following apply: 55393~~

(i) It was started before July 1, 1993.	55394
(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.	55395 55396 55397
(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	55398 55399
(i) It was started on or after July 1, 1993.	55400
(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.	55401 55402 55403
(2) For the purpose of division (XX)(1) of this section, a renovation started on or after July 1, 1993, may include both of the following:	55404 55405 55406
(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;	55407 55408 55409
(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.	55410 55411 55412
(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid certified capacity.	55413 55414 55415 55416
(YY)(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	55417 55418
(ZZ)(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.	55419 55420 55421 55422
(AAA)(YY) "Sponsor" means an adult relative, friend, or	55423

guardian of an ICF/IID resident who has an interest or 55424
responsibility in the resident's welfare. 55425

~~(BBB)~~(ZZ) "Title XIX" means Title XIX of the "Social Security 55426
Act," 42 U.S.C. 1396, et seq. 55427

~~(CCC)~~(AAA) "Title XVIII" means Title XVIII of the "Social 55428
Security Act," 42 U.S.C. 1395, et seq. 55429

~~(DDD)~~(BBB) "Voluntary termination" means an operator's 55430
voluntary election to terminate the participation of an ICF/IID in 55431
the medicaid program but to continue to provide service of the 55432
type provided by a residential facility as defined in section 55433
5123.19 of the Revised Code. 55434

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 55435
~~1-A1~~, peer group ~~2-A2~~, peer group ~~3-A3~~, or peer group ~~4-A~~, ~~peer~~ 55436
~~group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or 55437
partially converted ICF/IID on or after July 1, 2013, or becomes a 55438
new ICF/IID on or after that date, may file with the department of 55439
developmental disabilities a cost report covering the period 55440
specified in division (B) of this section if the following applies 55441
to the ICF/IID: 55442

(1) In the case of an ICF/IID that becomes a downsized 55443
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 55444
the following on the day it becomes a downsized ICF/IID or 55445
partially converted ICF/IID: 55446

(a) A medicaid-certified capacity that is at least ten per 55447
cent less than its medicaid-certified capacity on the day 55448
immediately preceding the day it becomes a downsized ICF/IID or 55449
partially converted ICF/IID; 55450

(b) At least five fewer beds certified as ICF/IID beds than 55451
it has on the day immediately preceding the day it becomes a 55452
downsized ICF/IID or partially converted ICF/IID. 55453

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 55454
a downsized ICF/IID and the downsized ICF/IID has either of the 55455
following on the day it becomes a downsized ICF/IID: 55456

(a) A medicaid-certified capacity that is at least ten per 55457
cent less than its medicaid-certified capacity on the day 55458
immediately preceding the day it becomes a downsized ICF/IID; 55459

(b) At least five fewer beds certified as ICF/IID beds than 55460
it has on the day immediately preceding the day it becomes a 55461
downsized ICF/IID. 55462

(B) A cost report filed under division (A) of this section 55463
shall cover the period that begins and ends as follows: 55464

(1) In the case of an ICF/IID that becomes a downsized 55465
ICF/IID or partially converted ICF/IID: 55466

(a) The period begins with the day that the ICF/IID becomes a 55467
downsized ICF/IID or partially converted ICF/IID. 55468

(b) The period ends on the last day of the last month of the 55469
first three full months of operation as a downsized ICF/IID or 55470
partially converted ICF/IID. 55471

(2) In the case of a new ICF/IID: 55472

(a) The period begins with the day that the provider 55473
agreement for the ICF/IID takes effect. 55474

(b) The period ends on the last day of the last month of the 55475
first three full months that the provider agreement is in effect. 55476

(C)(1) If the department accepts a cost report filed under 55477
division (A) of this section for an ICF/IID that becomes a 55478
downsized ICF/IID or partially converted ICF/IID on or before the 55479
first day of October of a calendar year, the provider also shall 55480
do both of the following: 55481

(a) File with the department a cost report for the ICF/IID in 55482
accordance with division (A) of section 5124.10 of the Revised 55483

Code; 55484

(b) File with the department another cost report for the 55485
ICF/IID that covers the portion of the initial calendar year that 55486
the ICF/IID operated as a downsized ICF/IID or partially converted 55487
ICF/IID. 55488

(2) If the department accepts a cost report filed under 55489
division (A) of this section for an ICF/IID that becomes a 55490
downsized ICF/IID or partially converted ICF/IID after the first 55491
day of October of a calendar year, the provider is not required to 55492
file a cost report that covers that calendar year in accordance 55493
with division (A) of section 5124.10 of the Revised Code. Instead, 55494
the provider shall file a cost report for the ICF/IID in 55495
accordance with division (A) of section 5124.10 of the Revised 55496
Code covering the immediately following calendar year. 55497

(3) If the department accepts a cost report filed under 55498
division (A) of this section for a new ICF/IID that has a provider 55499
agreement that takes effect on or before the first day of October 55500
of a calendar year, the provider also shall file a cost report for 55501
the ICF/IID in accordance with division (A) of section 5124.10 of 55502
the Revised Code covering the portion of that calendar year that 55503
the provider agreement was in effect. 55504

(4) If the department accepts a cost report filed under 55505
division (A) of this section for a new ICF/IID that has a provider 55506
agreement that takes effect after the first day of October of a 55507
calendar year, the provider is not required to file a cost report 55508
that covers that calendar year in accordance with division (A) of 55509
section 5124.10 of the Revised Code. The provider shall file a 55510
cost report for the ICF/IID in accordance with division (A) of 55511
section 5124.10 of the Revised Code covering the immediately 55512
following calendar year. 55513

(D) The department shall refuse to accept a cost report filed 55514

under division (A) or (C)(1)(b) of this section if either of the 55515
following apply: 55516

(1) Except as provided in division (E) of section 5124.10 of 55517
the Revised Code, the provider fails to file the cost report with 55518
the department not later than ninety days after the last day of 55519
the period the cost report covers; 55520

(2) The cost report is incomplete or inadequate. 55521

(E) If the department accepts a cost report filed under 55522
division (A) or (C)(1)(b) of this section, the department shall 55523
use that cost report, rather than the cost report that otherwise 55524
would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, 55525
~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the 55526
Revised Code, to determine the ICF/IID's medicaid payment rate in 55527
accordance with this chapter for ICF/IID services the ICF/IID 55528
provides during the period that begins and ends as follows: 55529

(1) For a cost report filed under division (A) of this 55530
section, the period begins on the following: 55531

(a) In the case of an ICF/IID that becomes a downsized 55532
ICF/IID or partially converted ICF/IID: 55533

(i) The day that the ICF/IID becomes a downsized ICF/IID or 55534
partially converted ICF/IID if that day is the first day of a 55535
month; 55536

(ii) The first day of the month immediately following the 55537
month that the ICF/IID becomes a downsized ICF/IID or partially 55538
converted ICF/IID if division (E)(1)(a)(i) of this section does 55539
not apply. 55540

(b) In the case of a new ICF/IID, the day that the ICF/IID's 55541
provider agreement takes effect. 55542

(2) For a cost report filed under division (A) of this 55543
section, the period ends on the following: 55544

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 55545
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(i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C)(1)(b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year; 55547
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(ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year. 55552
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(b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(3) or (4) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code. 55559
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(3) For a cost report filed under division (C)(1)(b) of this section, the period begins on the day immediately following the day specified in division (E)(2)(a)(i) of this section. 55565
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(4) For a cost report filed under division (C)(1)(b) of this section, the period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using the cost report filed with the department in accordance with division (A) of section 5124.10 of the Revised Code that covers the calendar year that immediately follows the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID. 55568
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~~(F) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (E) of this section:~~

~~(1) In place of the quarterly case_mix score otherwise used in determining the ICF/IID's per medicaid day direct care costs component rate under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case_mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day direct care costs component rate if the department accepts a cost report filed under division (A) or (C)(1)(b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID.~~

~~(2) In place of the annual average casemix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.195 of the Revised Code, the ICF/IID's casemix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs.~~

~~(3) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.171 of the Revised Code.~~

~~(4) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.171 of~~

~~the Revised Code.~~ 55608

~~(5) The ICF/IID shall be subject to the limit on the total 55609
payment rate for costs of ownership, capitalized costs of 55610
nonextensive renovations, and the efficiency incentive specified 55611
in division (H) of section 5124.171 of the Revised Code regardless 55612
of whether the ICF/IID is in peer group 1-B or peer group 2-B. 55613~~

Sec. 5124.15. (A) Except as otherwise provided by section 55614
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 55615
Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the 55616
total per medicaid day payment rate that the department of 55617
developmental disabilities shall pay to an ICF/IID provider for 55618
ICF/IID services the provider's ICF/IID provides during a fiscal 55619
year shall equal the sum of all of the following: 55620

~~(1) Until July 1, 2021, the greater of the total per medicaid 55621
day payment rates determined under divisions (B) and (C) of this 55622
section; 55623~~

~~(2) Beginning July 1, 2021, the total per medicaid day 55624
payment rate determined under division (B) of this section. 55625~~

~~(B) The total per medicaid day payment rate determined under 55626
this division is the sum of all of the following: 55627~~

~~(1) The per medicaid day capital component rate determined 55628
for the ICF/IID under section 5124.17 of the Revised Code; 55629~~

(2) The per medicaid day direct care costs component rate 55630
determined for the ICF/IID under section 5124.19 of the Revised 55631
Code; 55632

(3) The per medicaid day indirect care costs component rate 55633
determined for the ICF/IID under section 5124.21 of the Revised 55634
Code; 55635

(4) The per medicaid day other protected costs component rate 55636
determined for the ICF/IID under section 5124.23 of the Revised 55637

Code;	55638
(5) Until July 1, 2021, a direct support personnel payment	55639
equal to three and four hundredths per cent of the ICF/IID's	55640
desk reviewed, actual, allowable, per medicaid day direct care	55641
costs from the applicable cost report year;	55642
(6) Beginning July 1, 2021, the <u>The</u> sum of the following:	55643
(a) The per medicaid day quality incentive payment determined	55644
for the ICF/IID under section 5124.24 of the Revised Code;	55645
(b) A direct support personnel payment equal to two and	55646
four-hundredths per cent of the ICF/IID's desk-reviewed, actual,	55647
allowable, per medicaid day direct care costs from the applicable	55648
cost report year.	55649
(C) The total per medicaid day payment rate determined under	55650
this division is the sum of all of the following:	55651
(1) The per medicaid day payment rate for capital costs	55652
determined for the ICF/IID under section 5124.171 of the Revised	55653
Code;	55654
(2) The per medicaid day payment rate for direct care costs	55655
determined for the ICF/IID under section 5124.195 of the Revised	55656
Code;	55657
(3) The per medicaid day payment rate for indirect care costs	55658
determined for the ICF/IID under section 5124.211 of the Revised	55659
Code;	55660
(4) The per medicaid day payment rate for other protected	55661
costs determined for the ICF/IID under section 5124.231 of the	55662
Revised Code;	55663
(5) A direct support personnel payment equal to three and	55664
four hundredths per cent of the ICF/IID's desk reviewed, actual,	55665
allowable, per medicaid day direct care costs from the applicable	55666
cost report year.	55667

~~(D)(B)~~ The total per medicaid day payment rate for ~~the~~ 55668
~~following an ICF/IID that is in peer group 5~~ shall not exceed the 55669
average total per medicaid day payment rate in effect on July 1, 55670
2013, for developmental centers~~;~~ 55671

~~(1) An ICF/IID that is in peer group 5 A for the purpose of~~ 55672
~~the total per medicaid day payment rate determined under division~~ 55673
~~(B) of this section;~~ 55674

~~(2) An ICF/IID that is in peer group 3 B for the purpose of~~ 55675
~~the total per medicaid day payment rate determined under division~~ 55676
~~(C) of this section.~~ 55677

~~(E)(C)~~ The department shall adjust the total per medicaid day 55678
payment rate otherwise determined for an ICF/IID under ~~divisions~~ 55679
~~(B) and (C)~~ of this section as directed by the general assembly 55680
through the enactment of law governing medicaid payments to 55681
ICF/IID providers. 55682

~~(F)(1)(D)(1)~~ In addition to paying an ICF/IID provider the 55683
total per medicaid day payment rate determined for the provider's 55684
ICF/IID under divisions (A), (B), and (C), ~~(D)~~, ~~and (E)~~ of this 55685
section for a fiscal year, the department may do either or both of 55686
the following: 55687

(a) In accordance with section 5124.25 of the Revised Code, 55688
pay the provider a rate add-on for ventilator-dependent outlier 55689
ICF/IID services if the rate add-on is to be paid under that 55690
section and the department approves the provider's application for 55691
the rate add-on; 55692

(b) In accordance with section 5124.26 of the Revised Code, 55693
pay the provider for outlier ICF/IID services the ICF/IID provides 55694
to residents identified as needing intensive behavioral health 55695
support services if the rate add-on is to be paid under that 55696
section and the department approves the provider's application for 55697
the rate add-on. 55698

(2) The rate add-ons are not to be part of the ICF/IID's 55699
total per medicaid day payment rate. 55700

Sec. 5124.151. (A) The total per medicaid day payment rate 55701
determined under section 5124.15 of the Revised Code shall not be 55702
the initial rate for ICF/IID services provided by a new ICF/IID. 55703
Instead, the initial total per medicaid day payment rate for 55704
ICF/IID services provided by a new ICF/IID shall be determined in 55705
accordance with this section. 55706

(B) The initial total per medicaid day payment rate for 55707
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 55708
in peer group ~~5-A5~~, shall be determined in the following manner: 55709

(1) The initial per medicaid day capital component rate shall 55710
be the median per medicaid day capital component rate for the 55711
ICF/IID's peer group for the fiscal year. 55712

(2) The initial per medicaid day direct care costs component 55713
rate shall be determined as follows: 55714

(a) If there are no cost or resident assessment data for the 55715
new ICF/IID as necessary to determine a rate under section 5124.19 55716
of the Revised Code, the rate shall be determined as follows: 55717

(i) Determine the median cost per case-mix unit under 55718
division (B) of section 5124.19 of the Revised Code for the new 55719
ICF/IID's peer group for the applicable cost report year; 55720

(ii) Multiply the amount determined under division 55721
(B)(2)(a)(i) of this section by the median annual average case-mix 55722
score for the new ICF/IID's peer group for that period; 55723

(iii) Adjust the product determined under division 55724
(B)(2)(a)(ii) of this section by the rate of inflation estimated 55725
under division (D) of section 5124.19 of the Revised Code. 55726

(b) If the new ICF/IID is a replacement ICF/IID and the 55727
ICF/IID or ICFs/IID that are being replaced are in operation 55728

immediately before the new ICF/IID opens, the rate shall be the 55729
same as the rate for the replaced ICF/IID or ICFs/IID, 55730
proportionate to the number of ICF/IID beds in each replaced 55731
ICF/IID. 55732

(c) If the new ICF/IID is a replacement ICF/IID and the 55733
ICF/IID or ICFs/IID that are being replaced are not in operation 55734
immediately before the new ICF/IID opens, the rate shall be 55735
determined under division (B)(2)(a) of this section. 55736

(3) The initial per medicaid day indirect care costs 55737
component rate shall be the maximum rate for the new ICF/IID's 55738
peer group as determined for the fiscal year in accordance with 55739
division (C) of section 5124.21 of the Revised Code. 55740

(4) The initial per medicaid day other protected costs 55741
component rate shall be one hundred fifteen per cent of the median 55742
rate for ICFs/IID determined for the fiscal year under section 55743
5124.23 of the Revised Code. 55744

(C) The initial total medicaid day payment rate for ICF/IID 55745
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 55746
determined in the following manner: 55747

(1) The initial per medicaid day capital component rate shall 55748
be \$29.61. 55749

(2) The initial per medicaid day direct care costs component 55750
rate shall be \$264.89. 55751

(3) The initial per medicaid day indirect care costs 55752
component rate shall be \$59.85. 55753

(4) The initial per medicaid day other protected costs 55754
component rate shall be \$25.99. 55755

(D)(1) Except as provided in division (D)(2) of this section, 55756
the department of developmental disabilities shall adjust a new 55757
ICF/IID's initial total per medicaid day payment rate determined 55758

under this section effective the first day of July, to reflect new 55759
rate determinations for all ICFs/IID under this chapter. 55760

(2) If the department accepts, under division (A) of section 55761
5124.101 of the Revised Code, a cost report filed by the provider 55762
of a new ICF/IID, the department shall adjust the ICF/IID's 55763
initial total per medicaid day payment rate in accordance with 55764
divisions (E) and (F) of that section rather than division (D)(1) 55765
of this section. 55766

Sec. 5124.152. (A) The total per medicaid day payment rate 55767
determined under section 5124.15 of the Revised Code shall not be 55768
paid for ICF/IID services provided by an ICF/IID, or discrete unit 55769
of an ICF/IID, designated by the department of developmental 55770
disabilities as an outlier ICF/IID or unit. Instead, the provider 55771
of a designated outlier ICF/IID or unit shall be paid each fiscal 55772
year a total per medicaid day payment rate that the department 55773
shall prospectively determine in accordance with a methodology 55774
established in rules authorized by this section. 55775

(B) The department may designate an ICF/IID, or discrete unit 55776
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 55777
unit serves residents who have either of the following: 55778

(1) Diagnoses or special care needs that require direct care 55779
resources that are not measured adequately by the resident 55780
assessment instrument specified in rules authorized by ~~sections~~ 55781
section 5124.191 and ~~5124.196~~ of the Revised Code; 55782

(2) Diagnoses or special care needs that are specified in 55783
rules authorized by this section as otherwise qualifying for 55784
consideration under this section. 55785

(C) Notwithstanding any other provision of this chapter, the 55786
costs incurred by a designated outlier ICF/IID or unit shall not 55787
be considered in establishing medicaid payment rates for other 55788

ICFs/IID or units. 55789

(D) The director of developmental disabilities shall adopt 55790
rules under section 5124.03 of the Revised Code as necessary to 55791
implement this section. 55792

(1)(a) The rules shall do both of the following: 55793

(i) Specify the criteria and procedures the department will 55794
apply when designating an ICF/IID, or discrete unit of an ICF/IID, 55795
as an outlier ICF/IID or unit; 55796

(ii) Establish a methodology for prospectively determining 55797
the total per medicaid day payment rate that will be paid each 55798
fiscal year for ICF/IID services provided by a designated outlier 55799
ICF/IID or unit. 55800

(b) The rules adopted under division (D)(1)(a)(i) of this 55801
section regarding the criteria for designating outlier ICFs/IID 55802
and units shall do both of the following: 55803

(i) Provide for consideration of whether all of the allowable 55804
costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid 55805
by the rate determined under section 5124.15 of the Revised Code; 55806

(ii) Specify the minimum number of ICF/IID beds that an 55807
ICF/IID, or discrete unit of an ICF/IID, must have to be 55808
designated an outlier ICF/IID or unit. 55809

(c) The rules authorized by division (D)(1)(a)(i) of this 55810
section regarding the criteria for designating outlier ICFs/IID 55811
and units shall not limit the designation to ICFs/IID, or discrete 55812
units of ICFs/IID, located in large cities. 55813

(d) The rules authorized by division (D)(1)(a)(ii) of this 55814
section regarding the methodology for prospectively determining 55815
the rates of designated outlier ICFs/IID and units shall provide 55816
for the methodology to consider the historical costs of providing 55817
ICF/IID services to the residents of designated outlier ICFs/IID 55818

and units. 55819

(2)(a) The rules may do both of the following: 55820

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems; 55821
55822
55823

(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident. 55824
55825
55826

(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 55827
55828
55829
55830
55831

Sec. 5124.17. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day capital component rate. An ICF/IID's rate for a fiscal year shall equal the sum of the following: 55832
55833
55834
55835

(1) The lesser of the following: 55836

(a) The sum of all of the following: 55837

(i) The ICF/IID's per diem fair rental value rate for the fiscal year as determined under division (B) of this section; 55838
55839

(ii) The ICF/IID's per diem equipment rate for the fiscal year as determined under division (D) of this section; 55840
55841

(iii) The ICF/IID's per diem secondary building rate for the fiscal year as determined under division (E) of this section. 55842
55843

(b) The sum determined for the fiscal year under division (G) of this section. 55844
55845

(2) The ICF/IID's per diem nonextensive renovation rate for the fiscal year as determined under division (H) of this section. 55846
55847

(B) An ICF/IID's per diem fair rental value rate for a fiscal year is the quotient of the following:	55848 55849
(1) The ICF/IID's fair rental value as determined under division (C) of this section;	55850 55851
(2) The greater of the following:	55852
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	55853 55854
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	55855 55856 55857
(C)(1) An ICF/IID's fair rental value is the product of the following:	55858 55859
(a) The sum of the following:	55860
(i) The ICF/IID's depreciated current asset value as determined under division (C)(2) of this section;	55861 55862
(ii) The ICF/IID's land value as determined under division (C)(10) of this section.	55863 55864
(b) Eleven per cent.	55865
(2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C)(3) of this section, depreciated by the product of the following:	55866 55867 55868
(a) The ICF/IID's effective age as determined under division (C)(5) of this section;	55869 55870
(b) One and six-tenths per cent.	55871
(3) An ICF/IID's current asset value is the product of the following:	55872 55873
(a) The ICF/IID's value per square foot as determined under division (C)(4) of this section;	55874 55875

(b) The lesser of the ICF/IID's square footage and the 55876
following: 55877

(i) If the ICF/IID is in peer group ~~1-A1~~ and is a downsized 55878
ICF/IID, its medicaid-certified capacity on the last day of the 55879
applicable cost report year multiplied by one thousand; 55880

(ii) If the ICF/IID is in peer group ~~1-A1~~ and is not a 55881
downsized ICF/IID, its medicaid-certified capacity on the last day 55882
of the applicable cost report year multiplied by five hundred 55883
fifty; 55884

(iii) If the ICF/IID is in peer group ~~2-A2~~ and is a downsized 55885
ICF/IID, its medicaid-certified capacity on the last day of the 55886
applicable cost report year multiplied by one thousand; 55887

(iv) If the ICF/IID is in peer group ~~2-A2~~ and is not a 55888
downsized ICF/IID, its medicaid-certified capacity on the last day 55889
of the applicable cost report year multiplied by seven hundred 55890
fifty; 55891

(v) If the ICF/IID is in peer group ~~3-A3~~, its 55892
medicaid-certified capacity on the last day of the applicable cost 55893
report year multiplied by eight hundred fifty; 55894

(vi) If the ICF/IID is in peer group ~~4-A4~~ or peer group ~~5-A5~~, 55895
its medicaid-certified capacity on the last day of the applicable 55896
cost report year multiplied by nine hundred. 55897

(4)(a) An ICF/IID's value per square foot shall be determined 55898
by using the version of the following RS means data that was most 55899
recently published at the time the determination is made: 55900

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, 55901
the RS means data for assisted-senior living facility construction 55902
costs; 55903

(ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, 55904
or peer group ~~5-A5~~, the RS means data for nursing home 55905

construction costs. 55906

(b) Except as provided in division (C)(4)(c) of this section, 55907
in determining an ICF/IID's value per square foot, the following 55908
modifier shall be used: 55909

(i) If the ICF/IID is located in Summit county, the modifier 55910
specified in the applicable RS means data for Akron; 55911

(ii) If the ICF/IID is located in Athens county, the modifier 55912
specified in the applicable RS means data for Athens; 55913

(iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, 55914
Medina, Portage, Stark, Trumbull, or Wayne county, the modifier 55915
specified in the applicable RS means data for Canton; 55916

(iv) If the ICF/IID is located in Ross county, the modifier 55917
specified in the applicable RS means data for Chillicothe; 55918

(v) If the ICF/IID is located in Hamilton county, the 55919
modifier specified in the applicable RS means data for Cincinnati; 55920

(vi) If the ICF/IID is located in Cuyahoga county, the 55921
modifier specified in the applicable RS means data for Cleveland; 55922

(vii) If the ICF/IID is located in Franklin county, the 55923
modifier specified in the applicable RS means data for Columbus; 55924

(viii) If the ICF/IID is located in Montgomery county, the 55925
modifier specified in the applicable RS means data for Dayton; 55926

(ix) If the ICF/IID is located in Brown, Butler, Clermont, 55927
Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, 55928
or Warren county, the modifier specified in the applicable RS 55929
means data for Hamilton; 55930

(x) If the ICF/IID is located in Allen, Auglaize, Defiance, 55931
Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, 55932
Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the 55933
modifier specified in the applicable RS means data for Lima; 55934

(xi) If the ICF/IID is located in Lorain county, the modifier specified in the applicable RS means data for Lorain;	55935 55936
(xii) If the ICF/IID is located in Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier specified in the applicable RS means data for Mansfield;	55937 55938 55939 55940
(xiii) If the ICF/IID is located in Marion county, the modifier specified in the applicable RS means data for Marion;	55941 55942
(xiv) If the ICF/IID is located in Clark county, the modifier specified in the applicable RS means data for Springfield;	55943 55944
(xv) If the ICF/IID is located in Jefferson county, the modifier specified in the applicable RS means data for Steubenville;	55945 55946 55947
(xvi) If the ICF/IID is located in Lucas county, the modifier specified in the applicable RS means data for Toledo;	55948 55949
(xvii) If the ICF/IID is located in Mahoning county, the modifier specified in the applicable RS means data for Youngstown;	55950 55951
(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or Washington county, the modifier specified in the applicable RS means data for Zanesville.	55952 55953 55954 55955 55956 55957
(c) If a modifier ceases to be specified in the applicable RS means data for a city listed in division (C)(4)(b) of this section, the director of developmental disabilities shall specify in rules adopted under section 5124.03 of the Revised Code a different modifier for the counties that are affected by the change.	55958 55959 55960 55961 55962 55963
(5) An ICF/IID's effective age shall be determined as	55964

follows:	55965
(a) Determine the sum of the numbers of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(a) of this section;	55966 55967 55968 55969 55970
(b) Determine the sum of the numbers of the ICF/IID's new bed equivalents for additions that do not increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(a) of this section;	55971 55972 55973 55974 55975 55976
(c) Determine the sum of the numbers of the ICF/IID's new beds resulting from additions that increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(9)(a) of this section;	55977 55978 55979 55980 55981 55982
(d) Determine the sum of the sums determined under divisions (C)(5)(a), (b), and (c) of this section;	55983 55984
(e) Determine the difference of the following:	55985
(i) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year;	55986 55987
(ii) The lesser of the amount specified in division (C)(5)(e)(i) of this section and the sum determined under division (C)(5)(d) of this section.	55988 55989 55990
(f) For the purpose of determining the weighted age of the ICF/IID's original beds, determine the product of the following:	55991 55992
(i) The difference determined under division (C)(5)(e) of this section;	55993 55994

(ii) The ICF/IID's age as determined under division (C)(6) of this section.	55995 55996
(g) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(c) of this section;	55997 55998 55999 56000 56001
(h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section;	56002 56003 56004 56005 56006 56007
(i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for that period and each of those years under division (C)(9)(b) of this section;	56008 56009 56010 56011 56012 56013
(j) Determine the sum of the following:	56014
(i) The product determined under division (C)(5)(f) of this section;	56015 56016
(ii) The sum of the sums determined under divisions (C)(5)(g), (h), and (i) of this section.	56017 56018
(k) Determine the quotient of the following:	56019
(i) The sum determined under division (C)(5)(j) of this section;	56020 56021
(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.	56022 56023
(6) An ICF/IID's age is the lesser of the following:	56024

(a) The difference between the following:	56025
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	56026 56027 56028
(ii) The calendar year in which the ICF/IID was initially constructed.	56029 56030
(b) Forty.	56031
(7)(a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:	56032 56033
(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;	56034 56035
(ii) Seventy thousand dollars.	56036
(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:	56037 56038
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	56039 56040 56041
(ii) The calendar year the renovations were completed.	56042
(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:	56043 56044
(i) The number, for that year, of the ICF/IID's new bed equivalents for renovations as determined under division (C)(7)(a) of this section;	56045 56046 56047
(ii) The age of those new bed equivalents as determined under division (C)(7)(b) of this section.	56048 56049
(8)(a) The number, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the quotient of the following:	56050 56051 56052
(i) The value of such additions made to the ICF/IID that year	56053

as determined under division (C)(8)(b) of this section; 56054

(ii) Seventy thousand dollars. 56055

(b) The value of additions that do not increase an ICF/IID's 56056
medicaid-certified capacity is the product of the following: 56057

(i) The total square footage of the additions; 56058

(ii) The ICF/IID's value per square foot as determined under 56059
division (C)(4) of this section. 56060

(c) The age of an ICF/IID's new bed equivalents for additions 56061
that do not increase its medicaid-certified capacity is the 56062
difference of the following: 56063

(i) The calendar year in which occurs the last day of the 56064
period covered by the cost report being used to determine the 56065
ICF/IID's rate under this section; 56066

(ii) The calendar year the additions were completed. 56067

(d) The weighted age, for a year, of an ICF/IID's new bed 56068
equivalents for additions that do not increase its 56069
medicaid-certified capacity is the product of the following: 56070

(i) The number, for that year, of the ICF/IID's new bed 56071
equivalents for such additions as determined under division 56072
(C)(8)(a) of this section; 56073

(ii) The age of those new bed equivalents as determined under 56074
division (C)(8)(c) of this section. 56075

(9)(a) The number, for a year, of new beds resulting from 56076
additions that increase an ICF/IID's medicaid-certified capacity 56077
is the number by which the new beds increased the ICF/IID's 56078
medicaid-certified capacity that year. 56079

(b) The weighted age, for a year, of new beds resulting from 56080
additions that increase an ICF/IID's medicaid-certified capacity 56081
is the product of the following: 56082

(i) The number by which those new beds increased the ICF/IID's medicaid-certified capacity that year;	56083 56084
(ii) The difference of the calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section and the calendar year the ICF/IID's medicaid-certified capacity was so increased.	56085 56086 56087 56088
(10) An ICF/IID's land value is the product of the following:	56089
(a) The ICF/IID's current asset value as determined under division (C)(3) of this section;	56090 56091
(b) Ten per cent.	56092
(D) An ICF/IID's per diem equipment rate for a fiscal year shall be the lesser of the following:	56093 56094
(1) The quotient of the following:	56095
(a) The ICF/IID's costs for capital equipment for the applicable cost report year;	56096 56097
(b) The greater of the following:	56098
(i) The number of the ICF/IID's inpatient days for the applicable cost report year;	56099 56100
(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	56101 56102 56103
(2) The following amount:	56104
(a) If the ICF/IID is in peer group 1-A1 , five dollars;	56105
(b) If the ICF/IID is in peer group 2-A2 , six dollars and fifty cents;	56106 56107
(c) If the ICF/IID is in peer group 3-A3 , eight dollars;	56108
(d) If the ICF/IID is in peer group 4-A 4 or peer group 5-A5 , nine dollars.	56109 56110

(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:	56111
	56112
(1) The ICF/IID's secondary building value as determined under division (F) of this section;	56113
	56114
(2) The greater of the following:	56115
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	56116
	56117
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	56118
	56119
	56120
(F)(1) An ICF/IID's secondary building value is the product of the following:	56121
	56122
(a) The sum of the following:	56123
(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2) of this section;	56124
	56125
	56126
(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section.	56127
	56128
(b) A rental rate of eleven per cent.	56129
(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following:	56130
	56131
	56132
	56133
(a) The age of the secondary building as determined under division (F)(5) of this section;	56134
	56135
(b) One and six-tenths per cent.	56136
(3) The current asset value of an ICF/IID's secondary building is the product of the following:	56137
	56138
(a) The part of the secondary building's square footage that	56139

is allocated to the ICF/IID; 56140

(b) The secondary building's value per square foot as 56141
determined under division (F)(4) of this section. 56142

(4) The value per square foot of an ICF/IID's secondary 56143
building shall be determined by using the following: 56144

(a) Except as provided in division (F)(4)(b) of this section, 56145
the most recent national average commercial cost estimate for 56146
office/warehouse buildings according to information available at 56147
buildingjournal.com on the last day of the applicable cost report 56148
year; 56149

(b) If the national average commercial cost estimate for 56150
office/warehouse buildings ceases to be available at 56151
buildingjournal.com, the most recent comparable cost estimate as 56152
specified in rules the director of developmental disabilities 56153
shall adopt under section 5124.03 of the Revised Code. 56154

(5) The age of an ICF/IID's secondary building is the lesser 56155
of the following: 56156

(a) The difference of the following: 56157

(i) The calendar year in which occurs the last day of the 56158
period covered by the cost report being used to determine the 56159
ICF/IID's rate under this section; 56160

(ii) The calendar year the secondary building was initially 56161
constructed. 56162

(b) Forty. 56163

(6) The land value of an ICF/IID's secondary building is the 56164
product of the following: 56165

(a) The current asset value of the ICF/IID's secondary 56166
building as determined under division (F)(3) of this section; 56167

(b) Ten per cent. 56168

(G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii)	56169
of this section, the department shall determine the sum of the	56170
following for each ICF/IID for each fiscal year:	56171
(1) The quotient of the following:	56172
(a) The ICF/IID's desk-reviewed, actual, allowable capital	56173
costs for the applicable cost report year;	56174
(b) The greater of the following:	56175
(i) The number of the ICF/IID's inpatient days for the	56176
applicable cost report year;	56177
(ii) The number of inpatient days the ICF/IID would have had	56178
during the applicable cost report year if its occupancy rate had	56179
been ninety-two per cent that year.	56180
(2) The following amount:	56181
(a) If the ICF/IID is in peer group 1-A1 or peer group 2-A2 ,	56182
three dollars;	56183
(b) If the ICF/IID is in peer group 3-A3 , peer group 4-A4 , or	56184
peer group 5-A5 , five dollars.	56185
(3) The greater of the following:	56186
(a) Ten per cent of the difference of the following:	56187
(i) The sum of the quotient determined for the fiscal year	56188
under division (G)(1) of this section and the applicable amount	56189
specified in division (G)(2) of this section;	56190
(ii) The sum determined for the fiscal year under division	56191
(A)(1)(a) of this section.	56192
(b) Zero.	56193
(H) An ICF/IID's per diem nonextensive renovation rate for a	56194
fiscal year is the following:	56195
(1) If the sum of the ICF/IID's per diem costs of	56196

nonextensive renovations for the applicable cost report year as 56197
determined under division (I) of this section and the ICF/IID's 56198
per diem costs of ownership for the applicable cost report year as 56199
determined under division (J) of this section is greater than the 56200
sum determined for the ICF/IID for the fiscal year under division 56201
(G) of this section, the lesser of the following: 56202

(a) The ICF/IID's per diem costs of nonextensive renovations 56203
for the applicable cost report year as determined under division 56204
(I) of this section; 56205

(b) The difference of the following: 56206

(i) The sum of the ICF/IID's per diem costs of nonextensive 56207
renovation for the applicable cost report year as determined under 56208
division (I) of this section and the ICF/IID's per diem costs of 56209
ownership for the applicable cost report year as determined under 56210
division (J) of this section; 56211

(ii) The sum determined for the ICF/IID for the fiscal year 56212
under division (G) of this section. 56213

(2) If the sum of the ICF/IID's per diem costs of 56214
nonextensive renovation for the applicable cost report year as 56215
determined under division (I) of this section and the ICF/IID's 56216
per diem costs of ownership for the applicable cost report year as 56217
determined under division (J) of this section is less than or 56218
equal to the sum determined for the ICF/IID for the fiscal year 56219
under division (G) of this section, zero. 56220

(I) An ICF/IID's per diem costs of nonextensive renovations 56221
for an applicable cost report year are the quotient of the 56222
following: 56223

(1) The ICF/IID's desk-reviewed, actual, allowable costs of 56224
nonextensive renovations for the applicable cost report year; 56225

(2) The greater of the following: 56226

(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	56227 56228
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	56229 56230 56231
(J) An ICF/IID's per diem costs of ownership for an applicable cost report year are the quotient of the following:	56232 56233
(1) The ICF/IID's desk-reviewed, actual, allowable costs of ownership for the applicable cost report year;	56234 56235
(2) The greater of the following:	56236
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	56237 56238
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	56239 56240 56241
Sec. 5124.19. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day direct care costs component rate. An ICF/IID's rate shall be determined as follows:	56242 56243 56244 56245
(1) Determine the product of the following:	56246
(a) The ICF/IID's quarterly case-mix score determined or assigned under section 5124.193 of the Revised Code for the following calendar quarter:	56247 56248 56249
(i) For the rate determined for fiscal year 2019, the calendar quarter ending December 31, 2017;	56250 56251
(ii) For the rate determined for each subsequent fiscal year, the calendar quarter ending on the last day of March of the calendar year in which the fiscal year begins.	56252 56253 56254
(b) The lesser of the following:	56255

(i) The ICF/IID's cost per case-mix unit for the applicable cost report year as determined under division (B) of this section;	56256 56257
(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate is determined as determined under division (C) of this section.	56258 56259 56260
(2) Adjust the product determined under division (A)(1) of this section by the inflation rate estimated under division (D) of this section.	56261 56262 56263
(B) To determine an ICF/IID's cost per case-mix unit for a cost report year, the department shall determine the quotient of the following:	56264 56265 56266
(1) The ICF/IID's desk-reviewed, actual, allowable, per diem direct care costs for the cost report year;	56267 56268
(2) The ICF/IID's annual average case-mix score as determined under section 5124.193 of the Revised Code for the fiscal year for which the rate is determined.	56269 56270 56271
(C)(1) The maximum cost per case-mix unit for a peer group for a fiscal year, other than peer group 5-A5 , is the following percentage above the peer group's median cost per case-mix unit for that fiscal year:	56272 56273 56274 56275
(a) For peer group 1-A1 , sixteen per cent;	56276
(b) For peer group 2-A2 , fourteen per cent;	56277
(c) For peer group 3-A3 , eighteen per cent;	56278
(d) For peer group 4-A4 , twenty-two per cent.	56279
(2) The maximum cost per case-mix unit for peer group 5-A5 for a fiscal year is the ninety-fifth percentile of all ICFs/IID in peer group 5-A5 for the applicable cost report year.	56280 56281 56282
(3) In determining the maximum cost per case-mix unit for a peer group under division (C)(1) of this section, the department	56283 56284

shall exclude from its determination the cost per case-mix unit of 56285
any ICF/IID in the peer group that participated in the medicaid 56286
program under the same provider for less than twelve months during 56287
the applicable cost report year. 56288

(4) In determining the maximum cost per case-mix unit for a 56289
peer group under division (C)(1) or (2) of this section, the 56290
department shall exclude from its determination the cost per 56291
case-mix unit of any ICF/IID in the peer group that has a case-mix 56292
score that was assigned by the department to the ICF/IID under 56293
division (B) of section 5124.193 of the Revised Code. 56294

(5) The department shall not reset a peer group's maximum 56295
cost per case-mix unit for a fiscal year under division (C)(1) or 56296
(2) of this section based on additional information that the 56297
department receives after it sets the maximum for that fiscal 56298
year. The department shall reset a peer group's maximum cost per 56299
case-mix unit for a fiscal year only if it made an error in 56300
setting the maximum for that fiscal year based on information 56301
available to the department at the time it originally sets the 56302
maximum for that fiscal year. 56303

(D) The department shall estimate the rate of inflation for 56304
the eighteen-month period beginning on the first day of July of 56305
the applicable cost report year and ending on the last day of 56306
December of the fiscal year for which the rate is determined, 56307
using the following: 56308

(1) Subject to division (D)(2) of this section, the 56309
employment cost index for total compensation, health care and 56310
social assistance component, published by the United States bureau 56311
of labor statistics; 56312

(2) If the United States bureau of labor statistics ceases to 56313
publish the index specified in division (D)(1) of this section, 56314
the index that is subsequently published by the bureau and covers 56315

the staff costs of ICFs/IID. 56316

Sec. 5124.191. (A) As used in sections 5124.191 to 5124.193 56317
of the Revised Code, "ICF/IID resident" includes an individual who 56318
is on hospital or therapeutic leave from an ICF/IID. 56319

(B) In accordance with rules adopted under section 5124.03 of 56320
the Revised Code, the department of developmental disabilities 56321
shall assess each ICF/IID resident regardless of payment source 56322
and compile complete assessment data on the residents. The 56323
department shall perform the initial assessment of an ICF/IID 56324
resident. The department may perform a subsequent assessment of an 56325
ICF/IID resident under any of the following circumstances: 56326

(1) The provider of the ICF/IID in which the resident resides 56327
or from which the resident is on hospital or therapeutic leave has 56328
submitted to the department under division (D) of this section 56329
revised assessment data for the resident or an attestation of no 56330
changes in the resident's assessment data and the department has 56331
reason to believe that the revised assessment data or attestation 56332
is inaccurate; 56333

(2) The department has reason to believe that the resident's 56334
most recent assessment no longer accurately reflects the 56335
resident's condition; 56336

(3) The department determines that the resident's most recent 56337
assessment should be updated because of the passage of time since 56338
that assessment was performed. 56339

(C) If an ICF/IID provider disagrees with the results of an 56340
assessment performed by the department under this section, the 56341
provider may request that the department reconsider the results in 56342
accordance with rules adopted under section 5124.03 of the Revised 56343
Code. 56344

(D) After the department assesses an ICF/IID resident under 56345

this section, the provider of the ICF/IID in which the resident
resides or from which the resident is on hospital or therapeutic
leave shall submit to the department, not later than fifteen days
after the end of each subsequent calendar quarter and through the
medium or media specified in rules adopted under section 5124.03
of the Revised Code, either of the following:

(1) Revised assessment data for the resident if there are
changes in the resident's assessment data;

(2) An attestation that there are no changes in the
resident's assessment data.

(E) A resident assessment instrument specified in rules
adopted under section 5124.03 of the Revised Code shall be used to
compile or revise assessment data of ICF/IID residents under this
section. ~~The resident assessment instrument used for the purpose
of this section may be different from the resident assessment
instrument used for the purpose of section 5124.196 of the Revised
Code.~~

Sec. 5124.21. (A) For each fiscal year, the department of
developmental disabilities shall determine each ICF/IID's per
medicaid day indirect care costs component rate. An ICF/IID's rate
shall be the lesser of the individual rate determined under
division (B) of this section and the maximum rate determined for
the ICF/IID's peer group under division (C) of this section.

(B) An ICF/IID's individual rate is the sum of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem
indirect care costs for the applicable cost report year, adjusted
for the inflation rate estimated under division (E) of this
section;

(2) Subject to division (D) of this section, an efficiency
incentive equal to the difference between the amount of the per

diem indirect care costs for the applicable cost report year 56376
determined for the ICF/IID under division (B)(1) of this section 56377
and the maximum rate established for the ICF/IID's peer group 56378
under division (C) of this section for that year. 56379

(C)(1) The maximum rate for an ICF/IID's peer group shall be 56380
the following percentage above the peer group's median per diem 56381
indirect care costs for the applicable cost report year: 56382

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent; 56383

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten 56384
per cent; 56385

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, 56386
twelve per cent. 56387

(2) The department shall not redetermine a peer group's 56388
maximum rate under division (C)(1) of this section based on 56389
additional information that it receives after the maximum rate is 56390
set. The department shall redetermine a peer group's maximum rate 56391
only if the department made an error in computing the maximum rate 56392
based on the information available to the department at the time 56393
of the original calculation. 56394

(D) The efficiency incentive for an ICF/IID shall not exceed 56395
the following: 56396

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of 56397
the peer group's maximum rate established under division (C)(1)(a) 56398
of this section; 56399

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, 56400
peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer 56401
group's maximum rate established under division (C)(1)(b) or (c) 56402
of this section. 56403

(E) When adjusting rates for inflation under division (B)(1) 56404
of this section, the department shall estimate the rate of 56405

inflation for the eighteen-month period beginning on the first day 56406
of July of the applicable cost report year and ending on the 56407
thirty-first day of December of the fiscal year for which the rate 56408
is determined. To estimate the rate of inflation, the department 56409
shall use the following: 56410

(1) Subject to division (E)(2) of this section, the consumer 56411
price index for all items for all urban consumers for the midwest 56412
region, published by the United States bureau of labor statistics; 56413

(2) If the United States bureau of labor statistics ceases to 56414
publish the index specified in division (E)(1) of this section, a 56415
comparable index that the bureau publishes and the department 56416
determines is appropriate. 56417

Sec. 5124.23. For each fiscal year, the department of 56418
developmental disabilities shall determine each ICF/IID's per 56419
medicaid day other protected costs component rate. An ICF/IID's 56420
rate shall be the ICF/IID's desk-reviewed, actual, allowable, per 56421
diem other protected costs from the applicable cost report year, 56422
adjusted for inflation using the following: 56423

(A) Subject to division (B) of this section, the consumer 56424
price index for all urban consumers for nonprescription drugs and 56425
medical supplies, as published by the United States bureau of 56426
labor statistics; 56427

(B) If the United States bureau of labor statistics ceases to 56428
publish the index specified in division ~~(B)(1)~~(A) of this section, 56429
the index that is subsequently published by the bureau and covers 56430
nonprescription drugs and medical supplies. 56431

Sec. 5124.29. Except as otherwise provided in section 5124.30 56432
of the Revised Code, the department of developmental disabilities, 56433
in determining whether an ICF/IID's direct care costs and indirect 56434
care costs are allowable, shall place no limit on specific 56435

categories of reasonable costs other than compensation of owners, 56436
compensation of relatives of owners, and compensation of 56437
administrators. 56438

Compensation cost limits for owners and relatives of owners 56439
shall be based on compensation costs for individuals who hold 56440
comparable positions but who are not owners or relatives of 56441
owners, as reported on ICFs/IID's cost reports. As used in this 56442
section, "comparable position" means the position that is held by 56443
the owner or the owner's relative, if that position is listed 56444
separately on the cost report form, or if the position is not 56445
listed separately, the group of positions that is listed on the 56446
cost report form and that includes the position held by the owner 56447
or the owner's relative. In the case of an owner or owner's 56448
relative who serves the ICFs/IID in a capacity such as corporate 56449
officer, proprietor, or partner for which no comparable position 56450
or group of positions is listed on the cost report form, the 56451
compensation cost limit shall be based on civil service 56452
equivalents and shall be specified in rules adopted under section 56453
5124.03 of the Revised Code. 56454

Compensation cost limits for administrators shall be based on 56455
compensation costs for administrators who are not owners or 56456
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 56457
~~the purpose of determining an ICF/IID's total per medicaid day~~ 56458
~~payment rate under division (C) of section 5124.15 of the Revised~~ 56459
~~Code, compensation cost limits for administrators of four or more~~ 56460
~~ICFs/IID shall be the same as the limits for administrators of~~ 56461
~~ICFs/IID with one hundred fifty or more beds.~~ 56462

Sec. 5124.30. Except as provided in ~~sections~~ section 5124.17 56463
~~and 5124.171~~ of the Revised Code, the costs of goods, services, 56464
and facilities, furnished to an ICF/IID provider by a related 56465
party are includable in the allowable costs of the provider at the 56466

reasonable cost to the related party. 56467

Sec. 5124.38. (A) The director of developmental disabilities 56468
shall establish a process under which an ICF/IID provider, or a 56469
group or association of ICF/IID providers, may seek 56470
reconsideration of medicaid payment rates established under this 56471
chapter, ~~including a rate for direct care costs redetermined~~ 56472
~~before the effective date of the rate as a result of an exception~~ 56473
~~review conducted under section 5124.198 of the Revised Code.~~ 56474
Except as provided in divisions (B) to (E) of this section, the 56475
only issue that a provider, group, or association may raise in the 56476
rate reconsideration is whether the rate was calculated in 56477
accordance with this chapter and the rules adopted under section 56478
5124.03 of the Revised Code. The provider, group, or association 56479
may submit written arguments or other materials that support its 56480
position. The provider, group, or association and department shall 56481
take actions regarding the rate reconsideration within time frames 56482
specified in rules authorized by this section. 56483

If the department determines, as a result of the rate 56484
reconsideration, that the rate established for one or more 56485
ICFs/IID is less than the rate to which the ICF/IID is entitled, 56486
the department shall increase the rate. If the department has paid 56487
the incorrect rate for a period of time, the department shall pay 56488
the provider of the ICF/IID the difference between the amount the 56489
provider was paid for that period for the ICF/IID and the amount 56490
the provider should have been paid for the ICF/IID. 56491

(B)(1) The department, through the rate reconsideration 56492
process, may increase during a fiscal year the medicaid payment 56493
rate determined for an ICF/IID under this chapter if the provider 56494
demonstrates that the ICF/IID's actual, allowable costs have 56495
increased because of any of the following extreme circumstances: 56496

(a) A natural disaster;	56497
(b) A nonextensive renovation approved under division (E) of section 5124.171 of the Revised Code;	56498 56499
(e) If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent;	56500 56501 56502
(d) <u>(c)</u> If the ICF/IID is an inner-city ICF/IID, increased security costs;	56503 56504
(e) <u>(d)</u> A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements;	56505 56506 56507
(f) <u>(e)</u> Other extreme circumstances specified in rules authorized by this section.	56508 56509
(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request.	56510 56511 56512 56513 56514 56515 56516 56517
(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/IID.	56518 56519 56520 56521 56522
(D)(1) <u>When Subject to any applicable limitation under section 5124.17 of the Revised Code, when</u> beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration	56523 56524 56525 56526

~~process, may do either of the following to account for the costs of the beds that are added or replaced:~~ 56527
56528

~~(a) Subject to any applicable limitation under section 5124.17 of the Revised Code, proportionately increase the ICF/IID's per medicaid day capital component rate determined under that section:~~ 56529
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~~(b) Subject to any applicable limitation under section 5124.171 of the Revised Code, proportionately increase the ICF/IID's per medicaid day payment rate for reasonable capital costs determined under that section to account for the costs of the beds that are added or replaced.~~ 56533
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(2) If the department grants an increase under division (D)(1)(a) ~~or (b)~~ of this section, the increase shall go into effect one month after the first day of the month after the department receives sufficient documentation needed to determine the amount of the increase. 56538
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~~(3) Any rate increase of an ICF/IID's per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that is granted under division (D)(1)(b) of this section after June 30, 1993, shall remain in effect until the earlier of the following:~~ 56543
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~~(a) The effective date of a per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement;~~ 56548
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~~(b) The date the provider of the ICF/IID begins to be paid a rate determined under division (B) of section 5124.15 of the Revised Code.~~ 56552
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56554

~~(4) The provider of an ICF/IID that has its per medicaid day payment rate for reasonable capital costs increased under division (D)(1)(b)(D)(1) of this section shall report double accumulated~~ 56555
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56557

depreciation in an amount equal to the depreciation included in 56558
the rate adjustment on its cost report for the first year of 56559
operation. During the term of any loan used to finance a project 56560
for which the rate increase is granted, the provider, if the 56561
ICF/IID is operated by the same provider, shall subtract from the 56562
interest costs it reports on the ICF/IID's cost report an amount 56563
equal to the difference between the following: 56564

(a) The actual, allowable interest costs for the loan during 56565
the calendar year for which the costs are being reported; 56566

(b) The actual, allowable interest costs attributable to the 56567
loan that were used to calculate the rates paid to the provider 56568
for the ICF/IID during the same calendar year. 56569

(E) If the provider of an ICF/IID submits to the department 56570
revised assessment data for a resident of the ICF/IID under 56571
division (D) of section 5124.191 of the Revised Code and the 56572
revised assessment data results in at least a fifteen per cent 56573
increase in the ICF/IID's case-mix score determined under section 56574
5124.193 of the Revised Code, the provider may request that the 56575
department, through the rate reconsideration process, increase the 56576
ICF/IID's per medicaid day direct care costs component rate 56577
determined under section 5124.19 of the Revised Code to account 56578
for the increase in the ICF/IID's case-mix score. If the 56579
department determines that the revised assessment data so 56580
increases the ICF/IID's case-mix score, the department shall grant 56581
the rate increase. The increase shall go into effect one month 56582
after the first day of the month after the department receives 56583
sufficient documentation needed to determine the amount of the 56584
increase. 56585

(F) The department's decision at the conclusion of a rate 56586
reconsideration process is not subject to any administrative 56587
proceedings under Chapter 119. or any other provision of the 56588
Revised Code. 56589

(G) The director of developmental disabilities shall adopt 56590
rules under section 5124.03 of the Revised Code as necessary to 56591
implement this section. 56592

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) 56593
of this section, if the provider of an ICF/IID in former peer 56594
group 1-B, as that group existed on the date immediately preceding 56595
the effective date of this amendment, obtained approval from the 56596
department of developmental disabilities to become a downsized 56597
ICF/IID not later than July 1, 2018, and the ICF/IID does not 56598
become a downsized ICF/IID by that date, the department shall 56599
recoup from the provider an amount equal to the sum of the 56600
following: 56601

(1) The difference between the amount of the efficiency 56602
incentive payments the ICF/IID earned under former sections 56603
5124.171 and 5124.211 of the Revised Code, as those sections 56604
existed on the date immediately preceding the effective date of 56605
this amendment, because the provider obtained such approval and 56606
the amount of the efficiency incentive payments the ICF/IID would 56607
have earned under those sections had the provider not obtained 56608
such approval; 56609

(2) An amount of interest on the difference determined under 56610
division (A)(1) of this section. 56611

(B) The department shall exempt an ICF/IID provider from a 56612
recoupment otherwise required by this section if the provider 56613
voluntarily repays the department the difference determined under 56614
division (A)(1) of this section. No interest shall be charged on 56615
the amount voluntarily repaid. 56616

(C) The department may exempt an ICF/IID provider from a 56617
recoupment otherwise required by this section if both of the 56618
following apply: 56619

(1) The provider, on or before July 1, 2018, demonstrates to the department's satisfaction that the provider made a good faith effort to complete the downsizing by July 1, 2018, but the ICF/IID did not become a downsized ICF/IID by that date for reasons beyond the provider's control;

(2) The ICF/IID becomes a downsized ICF/IID within a period of time after July 1, 2018, that the department determines is reasonable.

(D) An ICF/IID provider subject to a recoupment under division (A) of this section or voluntarily making a repayment under division (B) of this section shall choose one of the following methods by which the recoupment or voluntary repayment shall be made:

(1) In a lump sum payment;

(2) Subject to the department's approval, in installment payments;

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of developmental disabilities reconsider either or both of the following:

(1) A decision that the provider is subject to a recoupment under this section;

(2) A determination under this section of the amount to be recouped from the provider.

(F) The director shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including

rules specifying how the amount of interest charged under division 56650
(A)(2) of this section is to be determined. 56651

Sec. 5124.40. If an ICF/IID provider properly amends a cost 56652
report for an ICF/IID under section 5124.107 of the Revised Code 56653
and the amended report shows that the provider received a lower 56654
medicaid payment rate under the original cost report than the 56655
provider was entitled to receive, the department of developmental 56656
disabilities shall adjust the provider's rate for the ICF/IID 56657
prospectively to reflect the corrected information. The department 56658
shall pay the adjusted rate beginning two months after the first 56659
day of the month after the provider files the amended cost report. 56660

~~If the department finds, from an exception review of resident 56661
assessment data conducted pursuant to section 5124.198 of the 56662
Revised Code after the effective date of an ICF/IID's rate for 56663
direct care costs that is based on the resident assessment data, 56664
that inaccurate resident assessment data resulted in the provider 56665
receiving a lower rate for the ICF/IID than the provider was 56666
entitled to receive, the department prospectively shall adjust the 56667
provider's rate for the ICF/IID accordingly. The department shall 56668
make payments to the provider using the adjusted rate for the 56669
remainder of the calendar quarter for which the resident 56670
assessment data is used to determine the rate, beginning one month 56671
after the first day of the month after the exception review is 56672
completed. 56673~~

Sec. 5124.41. (A) The department of developmental 56674
disabilities shall redetermine a provider's medicaid payment rate 56675
for an ICF/IID using revised information if ~~any~~ either of the 56676
following results in a determination that the provider received a 56677
higher medicaid payment rate for the ICF/IID than the provider was 56678
entitled to receive: 56679

(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code; 56680
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(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code; 56682
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~~(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.198 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data.~~ 56684
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(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 56689
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(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate. 56695
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 56698
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(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 56700
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 56705
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Sec. 5124.46. All of the following are subject to an 56710
adjudication conducted in accordance with Chapter 119. of the 56711
Revised Code: 56712

(A) Any audit disallowance that the department of 56713
developmental disabilities makes as the result of an audit under 56714
section 5124.109 of the Revised Code; 56715

~~(B) Any adverse finding that results from an exception review 56716
of resident assessment data conducted for an ICF/IID under section 56717
5124.198 of the Revised Code after the effective date of the 56718
ICF/IID's medicaid payment rate for direct care costs that is 56719
based on the resident assessment data; 56720~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 56721
5124.523 of the Revised Code; 56722

~~(D)~~(C) Any penalty the department imposes under section 56723
5124.42 of the Revised Code or section 5124.523 of the Revised 56724
Code. 56725

Sec. 5126.044. (A) As used in this section: 56726

(1) "Eligible person" has the same meaning as in section 56727
5126.03 of the Revised Code. 56728

(2) "Treatment" means the provision, coordination, or 56729
management of services provided to an eligible person. 56730

(3) "Payment" means activities undertaken by a service 56731
provider or governmental entity to obtain or provide reimbursement 56732
for services to an eligible person. 56733

(B) Except as provided in division (C) of this section, no 56734
person shall disclose the identity of an individual who requests 56735
programs or services under this chapter or release a record or 56736
report regarding an eligible person that is maintained by a county 56737
board of developmental disabilities or an entity under contract 56738

with a county board unless one of the following circumstances 56739
exists: 56740

(1) The individual, eligible person, or the individual's 56741
guardian, or, if the individual is a minor, the individual's 56742
parent or guardian, makes a written request to the county board or 56743
entity for or approves in writing disclosure of the individual's 56744
identity or release of the record or report regarding the eligible 56745
person. 56746

(2) Disclosure of the identity of an individual is needed for 56747
approval of a direct services contract under section 5126.032 or 56748
5126.033 of the Revised Code. The county board shall release only 56749
the individual's name and the general nature of the services to be 56750
provided. 56751

(3) Disclosure of the identity of the individual is needed to 56752
ascertain that the county board's waiting lists for programs or 56753
services are being maintained in accordance with section 5126.042 56754
of the Revised Code and the rules adopted under that section. The 56755
county board shall release only the individual's name, the general 56756
nature of the programs or services to be provided the individual, 56757
the individual's rank on each waiting list that includes the 56758
individual, and any circumstances under which the individual was 56759
given priority when placed on a waiting list. 56760

(4) Disclosure of the identity of an individual who is an 56761
eligible person is needed for treatment of or payment for services 56762
provided to the individual. 56763

(5) Release of a record or report regarding an individual 56764
that is maintained by the county board or an entity under contract 56765
with a county board is requested by a probate court pursuant to a 56766
proceeding under Chapter 2111. of the Revised Code. Any record or 56767
report released under this division shall only be released to the 56768
parties to the proceeding. 56769

(6) Release of a record or report regarding an individual 56770
that is maintained by the county board or an entity under contract 56771
with a county board is requested by the department of 56772
developmental disabilities for purposes of a proceeding under 56773
sections 5123.69 to 5123.79 of the Revised Code or for the 56774
department to comply with any court order issued under sections 56775
2945.371 to 2945.402 of the Revised Code. 56776

(C)(1) At the request of an eligible person or the person's 56777
guardian or, if the eligible person is a minor, the person's 56778
parent or guardian, a county board or entity under contract with a 56779
county board shall provide the person who made the request access 56780
to records and reports regarding the eligible person. On written 56781
request, the county board or entity shall provide copies of the 56782
records and reports to the eligible person, guardian, or parent. 56783
The county board or entity may charge a reasonable fee to cover 56784
the costs of copying. The county board or entity may waive the fee 56785
in cases of hardship. 56786

(2) A county board shall provide access to any waiting list 56787
or record or report regarding an eligible person maintained by the 56788
board to any state agency responsible for monitoring and reviewing 56789
programs and services provided or arranged by the county board, 56790
any state agency involved in the coordination of services for an 56791
eligible person, and any agency under contract with the department 56792
of developmental disabilities for the provision of protective 56793
service pursuant to section 5123.56 of the Revised Code. 56794

(3) When an eligible person who requests programs or services 56795
under this chapter dies, the county board or entity under contract 56796
with the county board, shall, on written request, provide to both 56797
of the following persons any reports and records in the board or 56798
entity's possession concerning the eligible person: 56799

(a) If the report or records are necessary to administer the 56800
estate of the person who is the subject of the reports or records, 56801

to the executor or administrator of the person's estate;	56802
(b) To the guardian of the person who is the subject of the reports or records or, if the individual had no guardian at the time of death, to a person in the first applicable of the following categories:	56803
(i) The person's spouse;	56804
(ii) The person's children;	56805
(iii) The person's parents;	56806
(iv) The person's brothers or sisters;	56807
(v) The person's uncles or aunts;	56808
(vi) The person's closest relative by blood or adoption;	56809
(vii) The person's closest relative by marriage.	56810
The county board or entity shall provide the reports and records as required by division (C)(3) of this section not later than thirty days after receipt of the request.	56811
(D) A county board shall notify an eligible person, the person's guardian, or, if the eligible person is a minor, the person's parent or guardian, prior to destroying any record or report regarding the eligible person.	56812
Sec. 5126.05. (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:	56813
(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code	56814
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and establish policies for their administration and operation; 56831

(2) Coordinate, monitor, and evaluate existing services and 56832
facilities available to individuals with developmental 56833
disabilities; 56834

(3) Provide early childhood services, supportive home 56835
services, and adult services, according to the plan and priorities 56836
developed under section 5126.04 of the Revised Code; 56837

(4) Provide or contract for special education services 56838
pursuant to Chapters 3317. and 3323. of the Revised Code and 56839
ensure that related services, as defined in section 3323.01 of the 56840
Revised Code, are available according to the plan and priorities 56841
developed under section 5126.04 of the Revised Code; 56842

(5) Adopt a budget, authorize expenditures for the purposes 56843
specified in this chapter and do so in accordance with section 56844
319.16 of the Revised Code, approve attendance of board members 56845
and employees at professional meetings and approve expenditures 56846
for attendance, and exercise such powers and duties as are 56847
prescribed by the director; 56848

(6) Submit annual reports of its work and expenditures, 56849
pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised 56850
Code, to the director, the superintendent of public instruction, 56851
and the board of county commissioners at the close of the fiscal 56852
year and at such other times as may reasonably be requested; 56853

(7) Authorize all positions of employment, establish 56854
compensation, including but not limited to salary schedules and 56855
fringe benefits for all board employees, approve contracts of 56856
employment for management employees that are for a term of more 56857
than one year, employ legal counsel under section 309.10 of the 56858
Revised Code, and contract for employee benefits. A county board 56859
may provide benefits through an individual or joint self-insurance 56860
program as provided under section 9.833 of the Revised Code. 56861

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;	56862 56863
(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;	56864 56865 56866
(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;	56867 56868 56869
(11) Set benchmarks for improving community employment outcomes.	56870 56871
(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.	56872 56873 56874 56875 56876
(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.	56877 56878 56879 56880 56881 56882 56883 56884
(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.	56885 56886 56887 56888 56889
(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and	56890 56891 56892

may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 56893
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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest. 56895
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(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose. 56909
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Sec. 5126.054. Annually, on or before the thirty-first day of December each year, each county board of developmental disabilities shall, ~~by resolution, develop and~~ submit to the department of developmental disabilities ~~an annual plan that includes both of the following components:~~ 56914
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(A) ~~The number of individuals with developmental disabilities residing in the county who are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~ 56919
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~~(B) The An annual waiver allocation projection that contains 56924
the projected number of individuals to whom the board intends to 56925
provide home and community-based services based on available 56926
funding as projected in the board's annual five-year projection 56927
report submitted pursuant to section 5126.053 of the Revised Code; 56928~~

~~(C) How the services are to be phased in over the period the 56929
plan covers, including how the county board will serve the 56930
individuals identified in divisions (A)(1) and (2) of this 56931
section; 56932~~

~~(D) Any other applicable information or conditions that the 56933
department requires as a condition of approving the plan under 56934
section 5123.046 of the Revised Code(B) Assurances that the county 56935
board does both of the following: 56936~~

~~(1) Employs or contracts with a business manager, or has 56937
entered into an agreement with another county board that employs 56938
or contacts with a business manager to have that business manager 56939
serve both counties. The superintendent of a county board shall 56940
not serve as the business manager of the county board. 56941~~

~~(2) Employs or contracts with a medicaid services manager, or 56942
has entered into an agreement with another county board that 56943
employs or contracts with a medicaid services manager to have that 56944
medicaid services manager serve both counties. The superintendent 56945
of a county board shall not serve as the medicaid services manager 56946
of the county board. 56947~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 56948
the Revised Code, a county board of developmental disabilities has 56949
medicaid local administrative authority to, and shall, do all of 56950
the following for an individual with a developmental disability 56951
who resides in the county that the county board serves and seeks 56952
or receives home and community-based services: 56953

(1) Perform assessments and evaluations of the individual. As 56954
part of the assessment and evaluation process, all of the 56955
following apply: 56956

(a) The county board shall make a recommendation to the 56957
department of developmental disabilities on whether the department 56958
should approve or deny the individual's application for the 56959
services, including on the basis of whether the individual needs 56960
the level of care an ICF/IID provides. 56961

(b) If the individual's application is denied because of the 56962
county board's recommendation and the individual appeals pursuant 56963
to section 5160.31 of the Revised Code, the county board shall 56964
present, with the department of developmental disabilities or 56965
department of medicaid, whichever denies the application, the 56966
reasons for the recommendation and denial at the hearing. 56967

(c) If the individual's application is approved, the county 56968
board shall recommend to the departments of developmental 56969
disabilities and medicaid the services that should be included in 56970
the individual service plan. If either department under section 56971
5166.21 of the Revised Code approves, reduces, denies, or 56972
terminates a service included in the plan because of the county 56973
board's recommendation, the board shall present, with the 56974
department that made the approval, reduction, denial, or 56975
termination, the reasons for the recommendation and approval, 56976
reduction, denial, or termination at a hearing held pursuant to an 56977
appeal made under section 5160.31 of the Revised Code. 56978

(2) Perform any duties assigned to the county board in rules 56979
adopted under section 5126.046 of the Revised Code regarding the 56980
individual's right to choose a qualified and willing provider of 56981
the services and, at a hearing held pursuant to an appeal made 56982
under section 5160.31 of the Revised Code, present evidence of the 56983
process for appropriate assistance in choosing providers; 56984

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

~~(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the~~

Revised Code:	57016
(2) All applicable federal and state laws;	57017
(3) <u>(2)</u> All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;	57018 57019 57020
(4) <u>(3)</u> The department of medicaid's supervision under its authority as the single state medicaid agency;	57021 57022
(5) <u>(4)</u> The department of developmental disabilities' oversight.	57023 57024
(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	57025 57026 57027 57028 57029 57030 57031 57032 57033 57034
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and	57035 57036 57037 57038 57039 57040 57041 57042 57043 57044 57045 57046

responsibilities. 57047

(E) A county board that has medicaid local administrative 57048
authority under this section shall, through the departments of 57049
developmental disabilities and medicaid, reply to, and cooperate 57050
in arranging compliance with, a program or fiscal audit or program 57051
violation exception that a state or federal audit or review 57052
discovers. The department of medicaid shall timely notify the 57053
department of developmental disabilities and the county board of 57054
any adverse findings. After receiving the notice, the county 57055
board, in conjunction with the department of developmental 57056
disabilities, shall cooperate fully with the department of 57057
medicaid and timely prepare and send to the department a written 57058
plan of correction or response to the adverse findings. The county 57059
board is liable for any adverse findings that result from an 57060
action it takes or fails to take in its implementation of medicaid 57061
local administrative authority. 57062

(F) If the department of developmental disabilities or 57063
department of medicaid determines that a county board's 57064
implementation of its medicaid local administrative authority 57065
under this section is deficient, the department that makes the 57066
determination shall require that county board do the following: 57067

(1) If the deficiency affects the health, safety, or welfare 57068
of an individual with a developmental disability, correct the 57069
deficiency within twenty-four hours; 57070

(2) If the deficiency does not affect the health, safety, or 57071
welfare of an individual with a developmental disability, receive 57072
technical assistance from the department or submit a plan of 57073
correction to the department that is acceptable to the department 57074
within sixty days and correct the deficiency within the time 57075
required by the plan of correction. 57076

Sec. 5126.056. (A) The department of developmental 57077

disabilities shall take action under division (B) of this section 57078
against a county board of developmental disabilities if ~~any~~ either 57079
of the following are the case: 57080

~~(1) The county board fails to submit to the department all 57081
the components of its annual plan required by section 5126.054 of 57082
the Revised Code. 57083~~

~~(2) The department disapproves the county board's annual plan 57084
under section 5123.046 of the Revised Code. 57085~~

~~(3) The county board fails to implement its annual plan 57086
approved by the department. 57087~~

~~(4) The county board fails to correct a deficiency within the 57088
time required by division (F) of section 5126.055 of the Revised 57089
Code to the satisfaction of the department. 57090~~

~~(5) (2) The county board fails to submit an acceptable plan 57091
of correction to the department within the time required by 57092
division (F)(2) of section 5126.055 of the Revised Code. 57093~~

(B) If required by division (A) of this section to take 57094
action against a county board, the department shall issue an order 57095
terminating the county board's medicaid local administrative 57096
authority over all or part of home and community-based services, 57097
medicaid case management services, or all or part of both of those 57098
services. The department shall provide a copy of the order to the 57099
board of county commissioners, senior probate judge, county 57100
auditor, and president and superintendent of the county board. The 57101
department shall specify in the order the medicaid local 57102
administrative authority that the department is terminating, the 57103
reason for the termination, and the county board's option and 57104
responsibilities under this division. 57105

A county board whose medicaid local administrative authority 57106
is terminated may, not later than thirty days after the department 57107
issues the termination order, recommend to the department that 57108

another county board that has not had any of its medicaid local 57109
administrative authority terminated or another entity the 57110
department approves administer the services for which the county 57111
board's medicaid local administrative authority is terminated. The 57112
department may contract with the other county board or entity to 57113
administer the services. If the department enters into such a 57114
contract, the county board shall adopt a resolution giving the 57115
other county board or entity full medicaid local administrative 57116
authority over the services that the other county board or entity 57117
is to administer. The other county board or entity shall be known 57118
as the contracting authority. 57119

If the department rejects the county board's recommendation 57120
regarding a contracting authority, the county board may appeal the 57121
rejection under section 5123.043 of the Revised Code. 57122

If the county board does not submit a recommendation to the 57123
department regarding a contracting authority within the required 57124
time or the department rejects the county board's recommendation 57125
and the rejection is upheld pursuant to an appeal, if any, under 57126
section 5123.043 of the Revised Code, the department shall appoint 57127
an administrative receiver to administer the services for which 57128
the county board's medicaid local administrative authority is 57129
terminated. To the extent necessary for the department to appoint 57130
an administrative receiver, the department may utilize employees 57131
of the department, management personnel from another county board, 57132
or other individuals who are not employed by or affiliated with in 57133
any manner a person that provides home and community-based 57134
services or medicaid case management services pursuant to a 57135
contract with any county board. The administrative receiver shall 57136
assume full administrative responsibility for the county board's 57137
services for which the county board's medicaid local 57138
administrative authority is terminated. 57139

The contracting authority or administrative receiver shall 57140

develop and submit to the department a plan of correction to 57141
remediate the problems that caused the department to issue the 57142
termination order. If, after reviewing the plan, the department 57143
approves it, the contracting authority or administrative receiver 57144
shall implement the plan. 57145

The county board shall transfer control of state and federal 57146
funds it is otherwise eligible to receive for the services for 57147
which the county board's medicaid local administrative authority 57148
is terminated and funds the county board may use under division 57149
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 57150
share of the services that the county board is required by 57151
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 57152
county board shall transfer control of the funds to the 57153
contracting authority or administrative receiver administering the 57154
services. The amount the county board shall transfer shall be the 57155
amount necessary for the contracting authority or administrative 57156
receiver to fulfill its duties in administering the services, 57157
including its duties to pay its personnel for time worked, travel, 57158
and related matters. If the county board fails to make the 57159
transfer, the department may withhold the state and federal funds 57160
from the county board and bring a mandamus action against the 57161
county board in the court of common pleas of the county served by 57162
the county board or in the Franklin county court of common pleas. 57163
The mandamus action may not require that the county board transfer 57164
any funds other than the funds the county board is required by 57165
division (B) of this section to transfer. 57166

The contracting authority or administrative receiver has the 57167
right to authorize the payment of bills in the same manner that 57168
the county board may authorize payment of bills under this chapter 57169
and section 319.16 of the Revised Code. 57170

Sec. 5126.071. (A) As used in this section, "minority 57171

business enterprise" has the meaning given in division (E)(1) of 57172
section 122.71 of the Revised Code. 57173

(B) Any minority business enterprise that desires to bid on a 57174
contract under division (C) or (D) of this section shall first 57175
apply to the ~~equal employment opportunity coordinator in the~~ 57176
department of ~~administrative services~~development for certification 57177
as a minority business enterprise. The ~~coordinator~~director of 57178
development shall approve the application of any minority business 57179
enterprise that complies with the rules adopted under section 57180
122.71 of the Revised Code. The ~~coordinator~~director shall prepare 57181
and maintain a list of minority business enterprises certified 57182
under this section. 57183

(C) From the contracts to be awarded for the purchases of 57184
equipment, materials, supplies, insurance, and nonprogram 57185
services, other than contracts entered into and exempt under 57186
sections 307.86 and 5126.05 of the Revised Code, each county board 57187
of developmental disabilities shall select a number of contracts 57188
with an aggregate value of approximately fifteen per cent of the 57189
total estimated value of such contracts to be awarded in the 57190
current calendar year. The board shall set aside the contracts so 57191
selected for bidding by minority business enterprises only. The 57192
bidding procedures for such contracts shall be the same as for all 57193
other contracts awarded under section 307.86 of the Revised Code, 57194
except that only minority business enterprises certified and 57195
listed under division (B) of this section shall be qualified to 57196
submit bids. Contracts set aside and awarded under this section 57197
shall not include contracts for the purchase of services such as 57198
direct and ancillary services, service and support administration, 57199
residential services, and family support services. 57200

(D) To the extent that a board is authorized to enter into 57201
contracts for construction which are not exempt from the 57202
competitive bidding requirements of section 307.86 of the Revised 57203

Code, the board shall set aside a number of contracts the 57204
aggregate value of which equals approximately five per cent of the 57205
aggregate value of construction contracts for the current calendar 57206
year for bidding by minority business enterprises only. The 57207
bidding procedures for the contracts set aside for minority 57208
business enterprises shall be the same as for all other contracts 57209
awarded by the board, except that only minority business 57210
enterprises certified and listed under division (B) of this 57211
section shall be qualified to submit bids. 57212

Any contractor awarded a construction contract pursuant to 57213
this section shall make every effort to ensure that certified 57214
minority business subcontractors and materials suppliers 57215
participate in the contract. In the case of contracts specified in 57216
this division, the total value of subcontracts awarded to and 57217
materials and services purchased from minority businesses shall be 57218
at least ten per cent of the total value of the contract, wherever 57219
possible and whenever the contractor awards subcontracts or 57220
purchases materials or services. 57221

(E) In the case of contracts set aside under divisions (C) 57222
and (D) of this section, if no bid is submitted by a minority 57223
business enterprise, the contract shall be awarded according to 57224
normal bidding procedures. The board shall from time to time set 57225
aside such additional contracts as are necessary to replace those 57226
contracts previously set aside on which no minority business 57227
enterprise bid. 57228

(F) This section does not preclude any minority business 57229
enterprise from bidding on any other contract not specifically set 57230
aside for minority business enterprises. 57231

(G) Within ninety days after the beginning of each calendar 57232
year, each county board of developmental disabilities shall file a 57233
report with the department of developmental disabilities that 57234
shows for that calendar year the name of each minority business 57235

enterprise with which the board entered into a contract, the value 57236
and type of each such contract, the total value of contracts 57237
awarded under divisions (C) and (D) of this section, the total 57238
value of contracts awarded for the purchases of equipment, 57239
materials, supplies, or services, other than contracts entered 57240
into under the exemptions of sections 307.86 and 5126.05 of the 57241
Revised Code, and the total value of contracts entered into for 57242
construction. 57243

(H) Any person who intentionally misrepresents that person as 57244
owning, controlling, operating, or participating in a minority 57245
business enterprise for the purpose of obtaining contracts or any 57246
other benefits under this section shall be guilty of theft by 57247
deception as provided for in section 2913.02 of the Revised Code. 57248

Sec. 5126.131. (A)(1) Each regional council established under 57249
section 5126.13 of the Revised Code shall file with the department 57250
of developmental disabilities an annual cost report detailing the 57251
regional council's income and expenditures. 57252

(2) Each county board of developmental disabilities shall 57253
file with the department an annual cost report detailing the 57254
board's income and expenditures. 57255

(B)(1)(a) Unless the department establishes a later date for 57256
all regional council cost reports, each council shall file its 57257
cost report not later than the last day of April. At the written 57258
request of a regional council, the department may grant a 57259
fourteen-day extension for filing the cost report. 57260

(b) Unless the department establishes a later date for all 57261
county board cost reports, each board shall file its cost report 57262
not later than the last day of May. At the written request of a 57263
board, the department may grant a fourteen-day extension for 57264
filing the board's cost report. 57265

(2) The cost report shall contain information on the previous 57266
calendar year's income and expenditures. Once filed by a regional 57267
council or board, no changes may be made to the cost report, 57268
including the submission of additional documentation, except as 57269
otherwise provided in this section. 57270

(C) Each cost report filed under this section by a regional 57271
council or board ~~shall~~ may be audited by the department or an 57272
entity designated by the department, utilizing methodology 57273
approved by the United States centers for medicare and medicaid 57274
services. The department or designated entity shall notify the 57275
regional council or board of the date on which the audit is to 57276
begin. The department may permit a regional council or board to 57277
submit changes to the cost report before the audit begins. 57278

If the department or designated entity determines that a 57279
filed cost report is not auditable, it shall provide written 57280
notification to the regional council or board of the cost report's 57281
deficiencies and may request additional documentation. If the 57282
department or designated entity requests additional documentation, 57283
the regional council or board shall be given sixty days after the 57284
request is made to provide the additional documentation. After 57285
sixty days, the department or designated entity shall determine 57286
whether the cost report is auditable with any additional 57287
documentation provided and shall notify the regional council or 57288
board of its determination. The determination of the department or 57289
designated entity is final. 57290

(D) The department or designated entity shall certify its 57291
audit as complete and file a copy of the certified audit in the 57292
office of the clerk of the governing body, executive officer of 57293
the governing body, and chief fiscal officer of the audited 57294
regional council or board. Changes may not be made to a cost 57295
report once the department or designated entity files the 57296
certified audit. The cost report is not a public record under 57297

section 149.43 of the Revised Code until copies of the cost report 57298
are filed pursuant to this section. 57299

(E) The department may withhold any funds that it distributes 57300
to a regional council or board as subsidy payments if either of 57301
the following is the case: 57302

(1) The cost report is not timely filed by the regional 57303
council or board with the department in accordance with division 57304
(B) of this section. 57305

(2) The cost report is determined not auditable under 57306
division (C) of this section after the department or designated 57307
entity gives the regional council or board sixty days to provide 57308
additional documentation. 57309

(F) Cost reports shall be retained by regional councils and 57310
boards for seven years. The department shall provide annual 57311
training to regional council and board employees regarding cost 57312
reports required by this section. 57313

(G) The department, in accordance with Chapter 119. of the 57314
Revised Code, may adopt any rules necessary to implement this 57315
section. 57316

Sec. 5145.31. (A) As used in this section, "computer," 57317
"computer network," "computer system," "computer services," 57318
"telecommunications service," and "information service" have the 57319
same meanings as in section 2913.01 of the Revised Code. 57320

(B) No officer or employee of a correctional institution 57321
under the control or supervision of the department of 57322
rehabilitation and correction shall provide a prisoner access to 57323
or permit a prisoner to have access to the internet through the 57324
use of a computer, computer network, computer system, computer 57325
services, telecommunications service, or information service 57326
unless both of the following apply: 57327

(1) The prisoner is ~~participating in an approved educational~~ 57328
~~program with direct supervision that requires the use of the~~ 57329
~~internet for training or research purposes~~ accessing the internet 57330
solely for a use or purpose approved by the managing officer of 57331
that prisoner's institution or by the managing officer's designee. 57332

(2) The provision of and access to the internet is in 57333
accordance with rules promulgated by the department of 57334
rehabilitation and correction pursuant to section 5120.62 of the 57335
Revised Code. 57336

(C)(1) No prisoner in a correctional institution under the 57337
control or supervision of the department of rehabilitation and 57338
correction shall access the internet through the use of a 57339
computer, computer network, computer system, computer services, 57340
telecommunications service, or information service unless both of 57341
the following apply: 57342

(a) The prisoner is ~~participating in an approved educational~~ 57343
~~program with direct supervision that requires the use of the~~ 57344
~~internet for training or research purposes~~ accessing the internet 57345
solely for a use or purpose approved by the managing officer of 57346
that prisoner's institution or by the managing officer's designee. 57347

(b) The provision of and access to the internet is in 57348
accordance with rules promulgated by the department of 57349
rehabilitation and correction pursuant to section 5120.62 of the 57350
Revised Code. 57351

(2) Whoever violates division (C)(1) of this section is 57352
guilty of improper internet access, a misdemeanor of the first 57353
degree. 57354

Sec. 5149.31. (A) The department of rehabilitation and 57355
correction shall do all of the following: 57356

(1) Establish and administer a program of subsidies for 57357

eligible counties and groups of counties for felony offenders and 57358
a program of subsidies for eligible municipal corporations, 57359
counties, and groups of counties for misdemeanor offenders for the 57360
development, implementation, and operation of community 57361
corrections programs. Department expenditures for administration 57362
of both programs of subsidies shall not exceed ten per cent of the 57363
moneys appropriated for each of the purposes of this division. 57364

(2) Adopt and promulgate rules, under Chapter 119. of the 57365
Revised Code, providing standards for community corrections 57366
programs. The standards adopted by the department shall specify 57367
the class of offender whose degree of felony, whose community 57368
control sanction revocation history, or whose risk level as 57369
assessed by the single validated risk assessment tool described in 57370
section 5120.114 of the Revised Code, make the offender suitable 57371
for participation in community corrections programs. The rules 57372
shall make the level of subsidy provided to every county or group 57373
of counties contingent upon the number of offenders participating 57374
in community corrections programs each fiscal year who satisfy the 57375
participation suitability standards established by the department 57376
and upon the outcomes of any performance-based standards 57377
established by the department. The standards shall be designed to 57378
improve the quality and efficiency of the programs, to support 57379
evidence-based policies and practices, as defined by the 57380
department, and to reduce the number of persons committed to state 57381
correctional institutions and to county, multicounty, municipal, 57382
municipal-county, or multicounty-municipal jails or workhouses for 57383
offenses for which community control sanctions are authorized 57384
under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 57385
developing the standards, the department shall consult with, and 57386
seek the advice of, local corrections agencies, law enforcement 57387
agencies, and other public and private agencies concerned with 57388
corrections. The department shall conduct, and permit 57389
participation by local corrections planning boards established 57390

under section 5149.34 of the Revised Code and joint county 57391
corrections planning boards established under section 5149.35 of 57392
the Revised Code in, an annual review of the standards to measure 57393
their effectiveness in promoting the purposes specified in this 57394
division and shall amend or rescind any existing rule providing a 57395
standard or adopt and promulgate additional rules providing 57396
standards, under Chapter 119. of the Revised Code, if the review 57397
indicates that the standards fail to promote the purposes. 57398

(3) Accept and use any funds, goods, or services from the 57399
federal government or any other public or private source for the 57400
support of the subsidy programs established under division (A) of 57401
this section. The department may comply with any conditions and 57402
enter into any agreements that it considers necessary to obtain 57403
these funds, goods, or services. 57404

(4) Adopt rules, in accordance with Chapter 119. of the 57405
Revised Code, and do all other things necessary to implement 57406
sections 5149.30 to 5149.37 of the Revised Code; 57407

(5) Evaluate or provide for the evaluation of community 57408
corrections programs funded by the subsidy programs established 57409
under division (A)(1) of this section and establish means of 57410
measuring their effectiveness; 57411

(6) Prepare an annual report evaluating the subsidy programs 57412
established under division (A)(1) of this section. The report 57413
shall include, but need not be limited to, analyses of the 57414
structure of the programs and their administration by the 57415
department, the effectiveness of the programs in the development 57416
and implementation of community corrections programs, the specific 57417
standards adopted and promulgated under division (A)(2) of this 57418
section and their effectiveness in promoting the purposes of the 57419
programs, and the findings of the evaluations conducted under 57420
division (A)(5) of this section. The director of rehabilitation 57421
and correction shall review and certify the accuracy of the report 57422

and provide copies of it, upon request, to members of the general assembly. 57423
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(7) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department. 57425
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(B)(1) In order to be eligible for the subsidies under this section, counties, groups of counties, and municipal corporations shall satisfy all applicable requirements under sections 2301.27 and 2301.30 of the Revised Code and, except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, shall utilize the single validated risk assessment tool selected by the department under section 5120.114 of the Revised Code. 57429
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(2) The department shall give any county, group of counties, or municipal corporation found to be noncompliant with the requirements described in division (B)(1) of this section a reasonable period of time to come into compliance. If the noncompliant county, group of counties, or municipal corporation does not become compliant after a reasonable period of time, the department shall reduce or eliminate the subsidy granted to that county, group of counties, or municipal corporation. 57437
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Sec. 5149.311. (A) The department of rehabilitation and correction shall establish and administer the probation improvement grant and the probation incentive grant for common pleas, municipal, and county court probation departments and community-based correctional facilities that supervise offenders sentenced by courts of common pleas, municipal courts, or county courts. 57445
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(B)(1) The probation improvement grant shall provide funding to common pleas, municipal, and county court probation departments 57452
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and community-based correctional facilities to adopt policies and 57454
practices based on the latest research on how to reduce the number 57455
of offenders on probation supervision who violate the conditions 57456
of their supervision. 57457

(2) The department shall adopt rules for the distribution of 57458
the probation improvement grant, including both of the following: 57459

(a) The formula for the allocation of the subsidy based on 57460
the number of offenders placed on probation annually in each 57461
jurisdiction; 57462

(b) The allocation of funds for the purpose of offsetting 57463
costs incurred by political subdivisions in relation to offenders 57464
who are prohibited from serving the term of imprisonment in an 57465
institution under the control of the department of rehabilitation 57466
and correction pursuant to division ~~(B)(3)(c)~~ (B)(3)(a) of section 57467
2929.34 of the Revised Code. 57468

(C)(1) The probation incentive grant shall provide a 57469
performance-based level of funding to common pleas, municipal, and 57470
county court probation departments and community-based 57471
correctional facilities that are successful in reducing the number 57472
of offenders on probation supervision whose terms of supervision 57473
are revoked. 57474

(2) The department shall calculate annually any cost savings 57475
realized by the state from a reduction in the percentage of people 57476
who are incarcerated because their terms of supervised probation 57477
were revoked. The cost savings estimate shall be calculated for 57478
each jurisdiction served by the probation department or 57479
community-based correctional facility eligible for a grant under 57480
this section and be based on the difference from the average of 57481
such commitments from the five calendar years immediately 57482
preceding the calendar year in which application for the grant was 57483
made and the fiscal year under examination. 57484

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, common pleas, municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code. Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court or community-based correctional facility must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section.

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the common pleas, municipal, or county court probation departments or community-based correctional facilities utilize with the programs of subsidies established under this section and establish means of measuring their effectiveness.

(4) The department shall specify the policies, practices, and programs for which common pleas, municipal, or county court

probation departments or community-based correctional facilities 57516
may use the program subsidy and shall establish minimum standards 57517
of quality and efficiency that recipients of the subsidy must 57518
follow. The department shall give priority to supporting 57519
evidence-based policies and practices, as defined by the 57520
department. 57521

Sec. 5149.38. (A) In each ~~voluntary~~ county, ~~subject to~~ 57522
~~division (B) of this section and~~ not later than ~~October~~ September 57523
29~~1~~, 2017 2022, subject to divisions (B) and (E)(1) of this 57524
section, a county commissioner representing the board of county 57525
commissioners of the county, the administrative judge of the 57526
general division of the court of common pleas of the county, the 57527
sheriff of the county, and an official from any municipality 57528
operating a local correctional facility in the county to which 57529
courts of the county sentence offenders shall agree to, sign, and 57530
submit to the department of rehabilitation and correction for its 57531
approval a memorandum of understanding that does both of the 57532
following: 57533

(1) Sets forth the plans by which the county will use grant 57534
money provided to the county in state fiscal year ~~2018~~ 2023 and 57535
succeeding state fiscal years under the targeting community 57536
alternatives to prison (T-CAP) program; 57537

(2) Specifies the manner in which the county will address a 57538
per diem reimbursement of local correctional facilities for 57539
prisoners who serve a prison term in the facility pursuant to 57540
division ~~(B)(3)(e)~~ (B)(3)(a) of section 2929.34 of the Revised 57541
Code. The per diem reimbursement rate shall be the rate determined 57542
in division (F)(1) of this section and shall be specified in the 57543
memorandum. 57544

(B) Two or more ~~voluntary~~ counties may join together to 57545
jointly establish a memorandum of understanding of the type 57546

described in division (A) of this section. Not later than ~~October~~ 57547
September 29~~1~~, 2017~~2022~~, subject to division (E)(1) of this 57548
section, a county commissioner from each of the affiliating 57549
~~voluntary~~ counties representing the county's board of county 57550
commissioners, the administrative judge of the general division of 57551
the court of common pleas of each affiliating ~~voluntary~~ county, 57552
the sheriff of each affiliating ~~voluntary~~ county, and an official 57553
from any municipality operating a local correctional facility in 57554
the affiliating ~~voluntary~~ counties to which courts of the counties 57555
sentence offenders shall agree to, sign, and submit to the 57556
department of rehabilitation and correction for its approval the 57557
memorandum of understanding. The memorandum of understanding shall 57558
set forth the plans by which, and specify the manner in which, the 57559
affiliating counties will complete the tasks identified in 57560
divisions (A)(1) and (2) of this section. 57561

(C) The department of rehabilitation and correction shall 57562
adopt rules establishing standards for approval of memorandums of 57563
understanding submitted to it under division (A) or (B) of this 57564
section. The department shall review the memorandums of 57565
understanding submitted to it and may require the county or 57566
counties that submit a memorandum to modify the memorandum. The 57567
director of rehabilitation and correction shall approve 57568
memorandums of understanding submitted to it under division (A) or 57569
(B) of this section that the director determines satisfy the 57570
standards adopted by the department within thirty days after 57571
receiving each memorandum submitted. 57572

(D) Any person responsible for agreeing to, signing, and 57573
submitting a memorandum of understanding under division (A) or (B) 57574
of this section may delegate the person's authority to do so to an 57575
employee of the agency, entity, or office served by the person. 57576

~~(E)~~(E)(1) If a county submitted a memorandum of understanding 57577
under division (A) of this section prior to September 1, 2022, and 57578

on September 1, 2022, the memorandum of understanding remains in effect as submitted or as revised under division (E)(2) of this section, or if counties that have affiliated as described in division (B) of this section submitted a memorandum of understanding under division (B) of this section prior to September 1, 2022, and on September 1, 2022, the memorandum of understanding remains in effect as submitted or as revised under division (E)(2) of this section, the county or affiliating counties are not required to submit a new memorandum of understanding under division (A) or (B) of this section, as those divisions exist on and after the effective date of this amendment. The persons signing the memorandum of understanding prior to September 1, 2022, or their successors in office, may revise the memorandum under division (E)(2) of this section as they determine necessary.

(2) The persons signing a memorandum of understanding under division (A) or (B) of this section, or their successors in office, may revise the memorandum as they determine necessary. Any revision of the memorandum shall be signed by the parties specified in division (A) or (B) of this section and submitted to the department of rehabilitation and correction for its approval under division (C) of this section within thirty days after the beginning of the state fiscal year.

(F)(1) In each county, commencing in calendar year ~~2018~~ 2023, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division ~~(B)(3)(e)~~ (B)(3)(a) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under

division (F)(1) of this section that applies with respect to a 57611
facility in a specified calendar year shall be the per diem rate 57612
of reimbursement in that calendar year, under the targeting 57613
community alternatives to prison (T-CAP) program, for prisoners 57614
who serve a term in the facility pursuant to division ~~(B)(3)(e)~~ 57615
(B)(3)(a) of section 2929.34 of the Revised Code. 57616

(3) The per diem costs of housing determined under division 57617
(F)(1) of this section for a facility shall be the actual costs of 57618
housing the specified prisoners in the facility, on a per diem 57619
basis. 57620

(G) As used in this section: 57621

~~(1) "Local~~ , "local correctional facility" means a facility 57622
of a type described in division (C) or (D) of section 2929.34 of 57623
the Revised Code. 57624

~~(2) "Voluntary county" has the same meanings as in section 57625
2929.34 of the Revised Code. 57626~~

Sec. 5153.122. Each PCSA caseworker hired after January 1, 57627
2007, shall complete at least one hundred two hours of in-service 57628
training during the first year of the caseworker's continuous 57629
employment as a PCSA caseworker, except that the executive 57630
director of the public children services agency may waive the 57631
training requirement for a school of social work graduate who 57632
participated in the university partnership program described in 57633
division (E) of section 5101.141 of the Revised Code and as 57634
provided in section 5153.124 of the Revised Code. The training 57635
shall consist of courses in all of the following: 57636

(A) Recognizing, accepting reports of, and preventing child 57637
abuse, neglect, and dependency; 57638

(B) Assessing child safety; 57639

(C) Assessing risks; 57640

(D) Interviewing persons;	57641
(E) Investigating cases;	57642
(F) Intervening;	57643
(G) Providing services to children and their families;	57644
(H) The importance of and need for accurate data;	57645
(I) Preparation for court;	57646
(J) Maintenance of case record information;	57647
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	57648 57649 57650 57651 57652 57653
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	57654 57655 57656
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	57657 57658 57659 57660
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.	57661 57662 57663 57664 57665 57666 57667 57668 57669

Sec. 5153.124. ~~(A)~~(A)(1) The director of job and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code.

(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general assembly, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of job and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

Sec. 5153.163. (A) As used in this section, ~~"adoptive:~~

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted. 57699
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(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child. 57702
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(d) The needs of the child are beyond the economic resources of the adoptive parent. 57704
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(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section. 57706
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(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended. 57709
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(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 57715
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(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located. 57718
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(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need. 57723
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(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments 57727
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made before issuance of the final adoption decree may be made only 57729
while the child is living in the adoptive parent's home. 57730
Preadoption payments may be made for not more than twelve months, 57731
unless the final adoption decree is not issued within that time 57732
because of a delay in court proceedings. Payments that begin 57733
before issuance of the final adoption decree may continue after 57734
its issuance. 57735

~~(C)(1) If, after the child's adoption is finalized, a public 57736
children services agency considers a child residing in the county 57737
served by the agency to be in need of public care or protective 57738
services, the agency may, to the extent state funds are available 57739
for this purpose, enter into an agreement with the child's 57740
adoptive parent under which the agency may make post adoption 57741
special services subsidy payments on behalf of the child as needed 57742
when both of the following apply:~~ 57743

~~(a) The child has a physical or developmental handicap or 57744
mental or emotional condition that either:~~ 57745

~~(i) Existed before the adoption petition was filed; or 57746~~

~~(ii) Developed after the adoption petition was filed and can 57747
be directly attributed to factors in the child's preadoption 57748
background, medical history, or biological family's background or 57749
medical history. 57750~~

~~(b) The agency determines the expenses necessitated by the 57751
child's handicap or condition are beyond the adoptive parent's 57752
economic resources. 57753~~

~~(2) Services for which a public children services agency may 57754
make post adoption special services subsidy payments on behalf of 57755
a child under this division shall include medical, surgical, 57756
psychiatric, psychological, and counseling services, including 57757
residential treatment. 57758~~

~~(3) The department of job and family services shall establish 57759~~

~~clinical standards to evaluate a child's physical or developmental
handicap or mental or emotional condition and assess the child's
need for services.~~ 57760
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~~(4) The total dollar value of post adoption special services
subsidy payments made on a child's behalf shall not exceed ten
thousand dollars in any fiscal year, unless the department
determines that extraordinary circumstances exist that necessitate
further funding of services for the child. Under such
extraordinary circumstances, the value of the payments made on the
child's behalf shall not exceed fifteen thousand dollars in any
fiscal year.~~ 57763
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~~(5) The adoptive parent or parents of a child who receives
post adoption special services subsidy payments shall pay at least
five per cent of the total cost of all services provided to the
child; except that a public children services agency may waive
this requirement if the gross annual income of the child's
adoptive family is not more than two hundred per cent of the
federal poverty guideline.~~ 57771
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~~(6) A public children services agency may use other sources
of revenue to make post adoption special services subsidy
payments, in addition to any state funds appropriated for that
purpose A public children services agency may enter into an
agreement with a child's relative under which the agency, to the
extent state funds are available, may provide state kinship
guardianship assistance as needed on behalf of the child when all
of the following apply:~~ 57778
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~~(a) The relative has cared for the eligible child as a foster
caregiver as defined by section 5103.02 of the Revised Code for at
least six consecutive months.~~ 57786
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~~(b) Both of the following apply:~~ 57789

~~(i) A juvenile court issued an order granting legal custody~~ 57790

of the child to the relative, or a probate court issued an order 57791
granting guardianship of the child to the relative, and the order 57792
is not a temporary court order. 57793

(ii) The relative has committed to care for the child on a 57794
permanent basis. 57795

(c) The relative signed a state kinship guardianship 57796
assistance agreement prior to assuming legal guardianship or legal 57797
custody of the child. 57798

(d) The child had been removed from home pursuant to a 57799
voluntary placement agreement or as a result of a judicial 57800
determination to the effect that continuation in the home would be 57801
contrary to the welfare of the child. 57802

(e) Returning the child home or adoption are not appropriate 57803
permanency options for the child. 57804

(f) The child demonstrates a strong attachment to the 57805
relative and the relative has a strong commitment to caring 57806
permanently for the child. 57807

(g) With respect to a child who has attained fourteen years 57808
of age, the child has been consulted regarding the state kinship 57809
guardianship assistance arrangement. 57810

(h) The child is not eligible for kinship guardianship 57811
assistance payments under Title IV-E of the "Social Security Act," 57812
42 U.S.C. 673(d), as amended. 57813

(2) The public children services agency that had custody of a 57814
child immediately prior to a court granting legal custody or 57815
guardianship of the child to a relative of the child described in 57816
division (C)(1) of this section is authorized to enter into a 57817
state kinship guardianship assistance agreement with that 57818
relative. 57819

(3) State kinship guardianship assistance for a child shall 57820

be provided in accordance with a state kinship guardianship 57821
assistance agreement entered into between the public children 57822
services agency and relative of the child described in division 57823
(C)(1) of this section and is subject to an annual redetermination 57824
of need. 57825

(4) Not later than fifteen months after the effective date of 57826
this section, if the amended state plan submitted under Title IV-E 57827
to implement 42 U.S.C. 673(d) as described in section 5101.1416 of 57828
the Revised Code is approved, division (C) of this section shall 57829
be implemented. 57830

(D) No payment shall be made under division (B) or (C) of 57831
this section on behalf of any person eighteen years of age or 57832
older beyond the end of the school year during which the person 57833
attains the age of eighteen or on behalf of a mentally or 57834
physically handicapped person twenty-one years of age or older. 57835

(E) The director of job and family services shall adopt rules 57836
in accordance with Chapter 119. of the Revised Code that are 57837
needed to implement this section. The rules shall establish all of 57838
the following: 57839

(1) The application process for all forms of assistance 57840
provided under this section; 57841

(2) The method to determine the amount of assistance payable 57842
under division (B) of this section; 57843

(3) The definition of "child with special needs" for this 57844
section; 57845

(4) The process whereby a child's continuing need for 57846
services provided under division (B) or (C) of this section is 57847
annually redetermined; 57848

~~(5) The method of determining the amount, duration, and scope~~ 57849
~~of services provided to a child under division (C) of this~~ 57850

~~section;~~ 57851

~~(6) Any other rule, requirement, or procedure the department
considers appropriate for the implementation of this section.~~ 57852
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~~(F) The state adoption special services subsidy program
ceases to exist on July 1, 2004, except that, subject to the
findings of the annual redetermination process established under
division (E) of this section and the child's individual need for
services, a public children services agency may continue to
provide state adoption special services subsidy payments on behalf
of a child for whom payments were being made prior to July 1,
2004.~~ 57854
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~~(G) No public children services agency shall, pursuant to
either section 2151.353 or 5103.15 of the Revised Code, place or
maintain a child with special needs who is in the permanent
custody of an institution or association certified by the
department of job and family services under section 5103.03 of the
Revised Code in a setting other than with a person seeking to
adopt the child, unless the agency has determined and redetermined
at intervals of not more than six months the impossibility of
adoption by a person who wishes to adopt children, and is approved
by an agency so empowered under Chapter 5103. of the Revised Code,
or by a person who wishes to adopt a child with special needs as
defined in rules adopted under this section, and who is approved
by an agency so empowered under Chapter 5103. of the Revised Code,
including the impossibility of entering into a payment agreement
with such a person. The agency so maintaining such a child shall
report its reasons for doing so to the department of job and
family services.~~ 57862
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~~The department may take any action permitted under section
5101.24 of the Revised Code for an agency's failure to determine,
redetermine, and report on a child's status.~~ 57879
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Sec. 5153.176. As used in this section, "license" has the 57882
same meaning as in section 3319.31 of the Revised Code. 57883

(A) Notwithstanding division (I)(1) of section 2151.421, 57884
section 5153.17, or any other section of the Revised Code 57885
pertaining to confidentiality, the director of a public children 57886
services agency shall promptly provide to the superintendent of 57887
public instruction information regarding the agency's 57888
investigation of a report of child abuse or neglect made pursuant 57889
to section 2151.421 of the Revised Code involving a person who 57890
holds a license ~~issued by the state board of education~~ where the 57891
agency has determined that child abuse or neglect occurred and 57892
that abuse or neglect is related to the person's duties and 57893
responsibilities under the license. The information provided by 57894
the director shall include the following: 57895

(1) A summary of the nature of the allegations contained in 57896
the report of which the person is the subject and the final 57897
disposition of the investigation conducted in response to that 57898
report or, if the investigation is not complete, the status of the 57899
investigation; 57900

(2) Upon written request of the superintendent of public 57901
instruction, the additional information described in division (C) 57902
of this section regarding the agency's investigation of the 57903
report, unless the prosecuting attorney of the county served by 57904
the agency determines that such information may not be released 57905
pursuant to division (B) of this section. 57906

(B) Upon receipt of a written request from the superintendent 57907
of public instruction for the additional information described in 57908
division (C) of this section, the director shall determine if the 57909
prosecuting attorney of the county served by the public children 57910
services agency intends to prosecute the subject of the report 57911
based on the allegations contained in the report. If the 57912

prosecuting attorney intends to prosecute the subject of the 57913
report, the prosecuting attorney shall determine the information 57914
described in division (C) of this section that may be released, if 57915
any, and shall provide the director with written authorization to 57916
release the information so determined. The director shall provide 57917
the superintendent of public instruction with any information 57918
described in division (C) of this section that the prosecuting 57919
attorney determines may be released, but in no case shall the 57920
director provide any information that the prosecuting attorney 57921
determines shall not be released. If the prosecuting attorney does 57922
not intend to prosecute the subject of the report, the prosecuting 57923
attorney shall notify the director of that fact and the director 57924
shall provide all of the information described in division (C) of 57925
this section to the superintendent of public instruction. 57926

(C) In accordance with division (B) of this section, the 57927
director shall provide information to the superintendent of public 57928
instruction regarding the public children services agency's 57929
investigation of the report described in division (A) of this 57930
section, including, but not limited to, the following: 57931

(1) The following information about the alleged child victim 57932
of the abuse or neglect: 57933

(a) Full name; 57934

(b) Date of birth; 57935

(c) Address and telephone number; 57936

(d) Grade level; 57937

(e) Name and contact information of the child's parent, 57938
guardian, or legal custodian; 57939

(f) Name and contact information of any medical facility that 57940
provided treatment to the child, if the child was injured in 57941
connection with the abuse or neglect and if that information is 57942

available;	57943
(g) A summary of interviews with the child or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	57944 57945 57946 57947 57948 57949
(h) Copies of any written correspondence between the child and the alleged perpetrator of the abuse or neglect that was used by the agency to determine that abuse or neglect occurred, the release of which is not otherwise prohibited by law.	57950 57951 57952 57953
(2) The following information about the alleged perpetrator of the abuse or neglect:	57954 57955
(a) Full name;	57956
(b) Date of birth;	57957
(c) Address and telephone number;	57958
(d) Name of school district and school building that employed the alleged perpetrator at the time the report was made;	57959 57960
(e) Name and contact information of any medical facility that provided treatment to the alleged perpetrator, if the alleged perpetrator was injured in connection with the abuse or neglect and if that information is available;	57961 57962 57963 57964
(f) A summary of interviews with the alleged perpetrator or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	57965 57966 57967 57968 57969 57970
(g) Copies of any written correspondence between the alleged child victim and the alleged perpetrator that was used by the	57971 57972

agency to determine that abuse or neglect occurred, the release of 57973
which is not otherwise prohibited by law; 57974

(h) If the alleged perpetrator has been the subject of any 57975
previous reports made pursuant to section 2151.421 of the Revised 57976
Code where the agency determined that physical or sexual child 57977
abuse occurred, a summary of the chronology of those reports; the 57978
final disposition of the investigations conducted in response to 57979
those reports, or if an investigation is not complete, the status 57980
of that investigation; and any underlying documentation concerning 57981
those reports. 57982

(3) The following information about each person, other than 57983
the alleged child victim and the alleged perpetrator, whom the 57984
agency has determined to be important to the investigation, except 57985
that the information shall not be provided about the person who 57986
made the report unless that person grants written permission for 57987
the director to release the information: 57988

(a) Full name; 57989

(b) Address and telephone number; 57990

(c) If the person has been interviewed regarding the alleged 57991
abuse or neglect, a summary of those interviews or, if an entity 57992
other than the agency conducted the interviews, the contact 57993
information for such entity. 57994

(D) Upon provision of any information to the superintendent 57995
of public instruction under this section, the director shall 57996
notify the superintendent of both of the following: 57997

(1) That the information is confidential; 57998

(2) That unauthorized dissemination of the information is a 57999
violation of division (I)(2) of section 2151.421 and section 58000
3319.311 of the Revised Code and any person who permits or 58001
encourages unauthorized dissemination of the information is guilty 58002

of a misdemeanor of the fourth degree pursuant to section 2151.99 58003
of the Revised Code. 58004

If the director determines that the superintendent of public 58005
instruction or any person involved in the conduct of an 58006
investigation under section 3319.311 of the Revised Code 58007
committed, caused, permitted, or encouraged the unauthorized 58008
dissemination of any information provided under this section, the 58009
director shall provide written notification of the unauthorized 58010
dissemination to the prosecuting attorney of the county or the 58011
village solicitor, city director of law, or similar chief legal 58012
officer of the municipal corporation in which the unauthorized 58013
dissemination occurred. A copy of the notification shall be 58014
retained in the investigative record maintained by the public 58015
children services agency. 58016

(E) The director shall include documentation of the 58017
information provided to the superintendent of public instruction 58018
under this section in the investigative record maintained by the 58019
public children services agency. The documentation shall include 58020
the following: 58021

(1) A list of the information provided; 58022

(2) The date the information was provided; 58023

(3) If the superintendent of public instruction designates a 58024
person to receive the information on the superintendent's behalf, 58025
the name of that person; 58026

(4) The reason for providing the information; 58027

(5) If written authorization to provide the information is 58028
required from the prosecuting attorney under division (B) of this 58029
section, a copy of that authorization. 58030

(F) No director of a public children services agency shall 58031
knowingly fail to comply with division (A) or (C) of this section. 58032

(G) A director of a public children services agency who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil or criminal liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section prevail over any conflicting provisions of a collective bargaining agreement or contract for employment entered into after March 30, 2007.

Sec. 5164.34. (A) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) "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.

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.

(4) "Person subject to the criminal records check requirement" means the following:

(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in

information given to the provider under division (E)(1) of this section; 58063
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(c) An employee or prospective employee of a medicaid provider if both of the following apply: 58065
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(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section. 58067
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(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 58070
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(5) "Responsible entity" means the following: 58072

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 58073
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 58076
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(B) This section does not apply to any of the following: 58081

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 58082
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, ~~3701.881~~ 3740.11, or 5164.342 of the Revised Code; 58085
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 58088
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(C) The department of medicaid may do any of the following: 58090

(1) Require that any medicaid provider submit to a criminal 58091

records check as a condition of obtaining or maintaining a provider agreement; 58092
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 58094
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(3) Require that any medicaid provider do the following: 58099

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database; 58100
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(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider. 58104
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(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies: 58109
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(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 58113
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(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 58116
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(2) No medicaid provider shall permit a person to be an 58121

owner, officer, or board member of the provider if the person is a 58122
person subject to the criminal records check requirement and 58123
either of the following applies: 58124

(a) The person fails to obtain the criminal records check 58125
after being given the information specified in division (G)(1) of 58126
this section. 58127

(b) Except as provided in rules authorized by this section, 58128
the person is found by the criminal records check to have been 58129
convicted of or have pleaded guilty to a disqualifying offense, 58130
regardless of the date of the conviction or the date of entry of 58131
the guilty plea. 58132

(3) Except as provided in division (I) of this section, no 58133
medicaid provider shall employ a person if any of the following 58134
apply: 58135

(a) The person has been excluded from being a medicaid 58136
provider, a medicare provider, or provider for any other federal 58137
health care program. 58138

(b) If the person is subject to a database review conducted 58139
under division (F)(1)(a) of this section, the person is found by 58140
the database review to be included in a database and the rules 58141
authorized by this section regarding the database review prohibit 58142
the provider from employing a person included in the database. 58143

(c) If the person is a person subject to the criminal records 58144
check requirement, either of the following applies: 58145

(i) The person fails to obtain the criminal records check 58146
after being given the information specified in division (G)(1) of 58147
this section. 58148

(ii) Except as provided in rules authorized by this section, 58149
the person is found by the criminal records check to have been 58150
convicted of or have pleaded guilty to a disqualifying offense, 58151

regardless of the date of the conviction or the date of entry of 58152
the guilty plea. 58153

(E)(1) The department or the department's designee shall 58154
inform each medicaid provider whether the provider is subject to a 58155
criminal records check. For providers with valid provider 58156
agreements, the information shall be given at times designated in 58157
rules authorized by this section. For providers applying to be 58158
medicaid providers, the information shall be given at the time of 58159
initial application. When the information is given, the department 58160
or the department's designee shall specify the following: 58161

(a) Which of the provider's owners or prospective owners, 58162
officers or prospective officers, or board members or prospective 58163
board members are subject to a criminal records check; 58164

(b) Which of the provider's employees or prospective 58165
employees are subject to division (C)(3) of this section. 58166

(2) At times designated in rules authorized by this section, 58167
a medicaid provider that is a person subject to the criminal 58168
records check requirement shall do the following: 58169

(a) Inform each person specified under division (E)(1)(a) of 58170
this section that the person is required to submit to a criminal 58171
records check as a condition of being an owner, officer, or board 58172
member of the provider; 58173

(b) Inform each person specified under division (E)(1)(b) of 58174
this section that the person is subject to division (C)(3) of this 58175
section. 58176

(F)(1) If a medicaid provider is a person subject to the 58177
criminal records check requirement, the department or the 58178
department's designee shall require the conduct of a criminal 58179
records check by the superintendent of the bureau of criminal 58180
identification and investigation. A medicaid provider shall 58181
require the conduct of a criminal records check by the 58182

superintendent with respect to each of the persons specified under 58183
division (E)(1)(a) of this section. With respect to each employee 58184
and prospective employee specified under division (E)(1)(b) of 58185
this section, a medicaid provider shall do the following: 58186

(a) If rules authorized by this section require the provider 58187
to conduct a database review to determine whether the employee or 58188
prospective employee is included in a database, conduct the 58189
database review in accordance with the rules; 58190

(b) Unless the provider is prohibited by division (D)(3)(b) 58191
of this section from employing the employee or prospective 58192
employee, require the conduct of a criminal records check of the 58193
employee or prospective employee by the superintendent. 58194

(2) If a person subject to the criminal records check 58195
requirement does not present proof of having been a resident of 58196
this state for the five-year period immediately prior to the date 58197
the criminal records check is requested or provide evidence that 58198
within that five-year period the superintendent has requested 58199
information about the person from the federal bureau of 58200
investigation in a criminal records check, the responsible entity 58201
shall require the person to request that the superintendent obtain 58202
information from the federal bureau of investigation as part of 58203
the criminal records check of the person. Even if the person 58204
presents proof of having been a resident of this state for the 58205
five-year period, the responsible entity may require that the 58206
person request that the superintendent obtain information from the 58207
federal bureau of investigation and include it in the criminal 58208
records check of the person. 58209

(G) Criminal records checks required by this section shall be 58210
obtained as follows: 58211

(1) The responsible entity shall provide each person subject 58212
to the criminal records check requirement information about 58213

accessing and completing the form prescribed pursuant to division 58214
(C)(1) of section 109.572 of the Revised Code and the standard 58215
impression sheet prescribed pursuant to division (C)(2) of that 58216
section. 58217

(2) The person subject to the criminal records check 58218
requirement shall submit the required form and one complete set of 58219
the person's fingerprint impressions directly to the 58220
superintendent for purposes of conducting the criminal records 58221
check using the applicable methods prescribed by division (C) of 58222
section 109.572 of the Revised Code. The person shall pay all fees 58223
associated with obtaining the criminal records check. 58224

(3) The superintendent shall conduct the criminal records 58225
check in accordance with section 109.572 of the Revised Code. The 58226
person subject to the criminal records check requirement shall 58227
instruct the superintendent to submit the report of the criminal 58228
records check directly to the responsible entity. If the 58229
department or the department's designee is not the responsible 58230
entity, the department or designee may require the responsible 58231
entity to submit the report to the department or designee. 58232

(H)(1) A medicaid provider may employ conditionally a person 58233
for whom a criminal records check is required by this section 58234
prior to obtaining the results of the criminal records check if 58235
both of the following apply: 58236

(a) The provider is not prohibited by division (D)(3)(b) of 58237
this section from employing the person. 58238

(b) The person submits a request for the criminal records 58239
check not later than five business days after the person begins 58240
conditional employment. 58241

(2) Except as provided in division (I) of this section, a 58242
medicaid provider that employs a person conditionally under 58243
division (H)(1) of this section shall terminate the person's 58244

employment if either of the following apply: 58245

(a) The results of the criminal records check request are not 58246
obtained within the period ending sixty days after the date the 58247
request is made. 58248

(b) Regardless of when the results of the criminal records 58249
check are obtained, the results indicate that the person has been 58250
convicted of or has pleaded guilty to a disqualifying offense, 58251
unless circumstances specified in rules authorized by this section 58252
exist that permit the provider to employ the person and the 58253
provider chooses to employ the person. 58254

(I) As used in this division, "behavioral health services" 58255
means alcohol and drug addiction services, mental health services, 58256
or both. 58257

A medicaid provider of behavioral health services may choose 58258
to employ a person who the provider would be prohibited by 58259
division (D)(3) of this section from employing or would be 58260
required by division (H)(2) of this section to terminate the 58261
person's employment if both of the following apply: 58262

(1) The person holds a valid health professional license 58263
issued under the Revised Code granting the person authority to 58264
provide behavioral health services, holds a valid peer recovery 58265
supporter certificate issued pursuant to rules adopted by the 58266
department of mental health and addiction services, or is in the 58267
process of obtaining such a license or certificate. 58268

(2) The provider does not submit any medicaid claims for any 58269
services the person provides. 58270

(J) The report of a criminal records check conducted pursuant 58271
to this section is not a public record for the purposes of section 58272
149.43 of the Revised Code and shall not be made available to any 58273
person other than the following: 58274

(1) The person who is the subject of the criminal records check or the person's representative;	58275 58276
(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	58277 58278
(3) The department's designee;	58279
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	58280 58281 58282
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	58283 58284 58285
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	58286 58287
(a) The denial or termination of a provider agreement;	58288
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	58289 58290
(c) A civil or criminal action regarding the medicaid program.	58291 58292
(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	58293 58294 58295 58296 58297
(1) Designate the categories of persons who are subject to a criminal records check under this section;	58298 58299
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;	58300 58301 58302 58303 58304

(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;	58305 58306 58307 58308 58309
(4) Specify all of the following:	58310
(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;	58311 58312 58313 58314
(b) The procedures for conducting the database review;	58315
(c) The databases that are to be checked;	58316
(d) The circumstances under which, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.	58317 58318 58319 58320
Sec. 5164.342. (A) As used in this section:	58321
"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.	58322 58323 58324 58325
"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.	58326 58327
"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	58328 58329
"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	58330 58331
"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the	58332 58333

Revised Code. 58334

"Employee" means a person employed by a waiver agency in a 58335
full-time, part-time, or temporary position that involves 58336
providing home and community-based services. 58337

"Waiver agency" means a person or government entity that 58338
provides home and community-based services under a home and 58339
community-based services medicaid waiver component administered by 58340
the department of medicaid, other than such a person or government 58341
entity that is certified under the medicare program. "Waiver 58342
agency" does not mean an independent provider as defined in 58343
section 5164.341 of the Revised Code. 58344

(B) This section does not apply to any individual who is 58345
subject to a database review or criminal records check under 58346
section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency 58347
also is a community-based long-term care provider or 58348
community-based long-term care subcontractor, the waiver agency 58349
may provide for any of its applicants and employees who are not 58350
subject to database reviews and criminal records checks under 58351
section 173.38 of the Revised Code to undergo database reviews and 58352
criminal records checks in accordance with that section rather 58353
than this section. 58354

(C) No waiver agency shall employ an applicant or continue to 58355
employ an employee in a position that involves providing home and 58356
community-based services if any of the following apply: 58357

(1) A review of the databases listed in division (E) of this 58358
section reveals any of the following: 58359

(a) That the applicant or employee is included in one or more 58360
of the databases listed in divisions (E)(1) to (5) of this 58361
section; 58362

(b) That there is in the state nurse aide registry 58363
established under section 3721.32 of the Revised Code a statement 58364

detailing findings by the director of health that the applicant or 58365
employee abused, neglected, or exploited a long-term care facility 58366
or residential care facility resident or misappropriated property 58367
of such a resident; 58368

(c) That the applicant or employee is included in one or more 58369
of the databases, if any, specified in rules authorized by this 58370
section and the rules prohibit the waiver agency from employing an 58371
applicant or continuing to employ an employee included in such a 58372
database in a position that involves providing home and 58373
community-based services. 58374

(2) After the applicant or employee is given the information 58375
and notification required by divisions (F)(2)(a) and (b) of this 58376
section, the applicant or employee fails to do either of the 58377
following: 58378

(a) Access, complete, or forward to the superintendent of the 58379
bureau of criminal identification and investigation the form 58380
prescribed to division (C)(1) of section 109.572 of the Revised 58381
Code or the standard impression sheet prescribed pursuant to 58382
division (C)(2) of that section; 58383

(b) Instruct the superintendent to submit the completed 58384
report of the criminal records check required by this section 58385
directly to the chief administrator of the waiver agency. 58386

(3) Except as provided in rules authorized by this section, 58387
the applicant or employee is found by a criminal records check 58388
required by this section to have been convicted of or have pleaded 58389
guilty to a disqualifying offense, regardless of the date of the 58390
conviction or date of entry of the guilty plea. 58391

(D) At the time of each applicant's initial application for 58392
employment in a position that involves providing home and 58393
community-based services, the chief administrator of a waiver 58394
agency shall inform the applicant of both of the following: 58395

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender

database established under division (A)(11) of section 2950.13 of the Revised Code; 58427
58428

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 58429
58430

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 58431
58432

(7) Any other database, if any, specified in rules authorized by this section. 58433
58434

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to 58435
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request that the superintendent obtain information from the 58459
federal bureau of investigation as part of the criminal records 58460
check. Even if an applicant or employee for whom a criminal 58461
records check request is required by this section presents proof 58462
of having been a resident of this state for the five-year period, 58463
the chief administrator may require the applicant or employee to 58464
request that the superintendent include information from the 58465
federal bureau of investigation in the criminal records check. 58466

(2) The chief administrator shall provide the following to 58467
each applicant and employee for whom a criminal records check is 58468
required by this section: 58469

(a) Information about accessing, completing, and forwarding 58470
to the superintendent of the bureau of criminal identification and 58471
investigation the form prescribed pursuant to division (C)(1) of 58472
section 109.572 of the Revised Code and the standard impression 58473
sheet prescribed pursuant to division (C)(2) of that section; 58474

(b) Written notification that the applicant or employee is to 58475
instruct the superintendent to submit the completed report of the 58476
criminal records check directly to the chief administrator. 58477

(3) A waiver agency shall pay to the bureau of criminal 58478
identification and investigation the fee prescribed pursuant to 58479
division (C)(3) of section 109.572 of the Revised Code for any 58480
criminal records check required by this section. However, a waiver 58481
agency may require an applicant to pay to the bureau the fee for a 58482
criminal records check of the applicant. If the waiver agency pays 58483
the fee for an applicant, it may charge the applicant a fee not 58484
exceeding the amount the waiver agency pays to the bureau under 58485
this section if the waiver agency notifies the applicant at the 58486
time of initial application for employment of the amount of the 58487
fee and that, unless the fee is paid, the applicant will not be 58488
considered for employment. 58489

(G)(1) A waiver agency may employ conditionally an applicant 58490
for whom a criminal records check is required by this section 58491
prior to obtaining the results of the criminal records check if 58492
both of the following apply: 58493

(a) The waiver agency is not prohibited by division (C)(1) of 58494
this section from employing the applicant in a position that 58495
involves providing home and community-based services. 58496

(b) The chief administrator of the waiver agency requires the 58497
applicant to request a criminal records check regarding the 58498
applicant in accordance with division (F)(1) of this section not 58499
later than five business days after the applicant begins 58500
conditional employment. 58501

(2) A waiver agency that employs an applicant conditionally 58502
under division (G)(1) of this section shall terminate the 58503
applicant's employment if the results of the criminal records 58504
check, other than the results of any request for information from 58505
the federal bureau of investigation, are not obtained within the 58506
period ending sixty days after the date the request for the 58507
criminal records check is made. Regardless of when the results of 58508
the criminal records check are obtained, if the results indicate 58509
that the applicant has been convicted of or has pleaded guilty to 58510
a disqualifying offense, the waiver agency shall terminate the 58511
applicant's employment unless circumstances specified in rules 58512
authorized by this section exist that permit the waiver agency to 58513
employ the applicant and the waiver agency chooses to employ the 58514
applicant. 58515

(H) The report of any criminal records check conducted 58516
pursuant to a request made under this section is not a public 58517
record for the purposes of section 149.43 of the Revised Code and 58518
shall not be made available to any person other than the 58519
following: 58520

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;	58521 58522 58523
(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;	58524 58525 58526
(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	58527 58528
(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;	58529 58530 58531
(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;	58532 58533 58534
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	58535 58536
(a) A denial of employment of the applicant or employee;	58537
(b) Employment or unemployment benefits of the applicant or employee;	58538 58539
(c) A civil or criminal action regarding the medicaid program.	58540 58541
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	58542 58543
(1) The rules may do the following:	58544
(a) Require employees to undergo database reviews and criminal records checks under this section;	58545 58546
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	58547 58548 58549

(c) For the purpose of division (E)(7) of this section, 58550
specify other databases that are to be checked as part of a 58551
database review conducted under this section. 58552

(2) The rules shall specify all of the following: 58553

(a) The procedures for conducting a database review under 58554
this section; 58555

(b) If the rules require employees to undergo database 58556
reviews and criminal records checks under this section, the times 58557
at which the database reviews and criminal records checks are to 58558
be conducted; 58559

(c) If the rules specify other databases to be checked as 58560
part of a database review, the circumstances under which a waiver 58561
agency is prohibited from employing an applicant or continuing to 58562
employ an employee who is found by the database review to be 58563
included in one or more of those databases; 58564

(d) The circumstances under which a waiver agency may employ 58565
an applicant or employee who is found by a criminal records check 58566
required by this section to have been convicted of or have pleaded 58567
guilty to a disqualifying offense. 58568

(J) The amendments made by H.B. 487 of the 129th general 58569
assembly to this section do not preclude the department of 58570
medicaid from taking action against a person for failure to comply 58571
with former division (H) of this section as that division existed 58572
on the day preceding January 1, 2013. 58573

Sec. 5165.01. As used in this chapter: 58574

(A) "Affiliated operator" means an operator affiliated with 58575
either of the following: 58576

(1) The exiting operator for whom the affiliated operator is 58577
to assume liability for the entire amount of the exiting 58578
operator's debt under the medicaid program or the portion of the 58579

debt that represents the franchise permit fee the exiting operator 58580
owes; 58581

(2) The entering operator involved in the change of operator 58582
with the exiting operator specified in division (A)(1) of this 58583
section. 58584

(B) "Allowable costs" are a nursing facility's costs that the 58585
department of medicaid determines are reasonable. Fines paid under 58586
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 58587
Code are not allowable costs. 58588

(C) "Ancillary and support costs" means all reasonable costs 58589
incurred by a nursing facility other than direct care costs, tax 58590
costs, or capital costs. "Ancillary and support costs" includes, 58591
but is not limited to, costs of activities, social services, 58592
pharmacy consultants, habilitation supervisors, qualified 58593
intellectual disability professionals, program directors, medical 58594
and habilitation records, program supplies, incontinence supplies, 58595
food, enterals, dietary supplies and personnel, laundry, 58596
housekeeping, security, administration, medical equipment, 58597
utilities, liability insurance, bookkeeping, purchasing 58598
department, human resources, communications, travel, dues, license 58599
fees, subscriptions, home office costs not otherwise allocated, 58600
legal services, accounting services, minor equipment, maintenance 58601
and repairs, help-wanted advertising, informational advertising, 58602
start-up costs, organizational expenses, other interest, property 58603
insurance, employee training and staff development, employee 58604
benefits, payroll taxes, and workers' compensation premiums or 58605
costs for self-insurance claims and related costs as specified in 58606
rules adopted under section 5165.02 of the Revised Code, for 58607
personnel listed in this division. "Ancillary and support costs" 58608
also means the cost of equipment, including vehicles, acquired by 58609
operating lease executed before December 1, 1992, if the costs are 58610
reported as administrative and general costs on the nursing 58611

facility's cost report for the cost reporting period ending 58612
December 31, 1992. 58613

(D) "Applicable calendar year" means the calendar year 58614
immediately preceding the calendar year that precedes the first of 58615
the state fiscal years for which a rebasing is conducted. 58616

~~(E)(1)~~(E) For purposes of calculating a critical access 58617
nursing facility's occupancy rate and utilization rate under this 58618
chapter, "as of the last day of the calendar year" refers to the 58619
occupancy and utilization rates for the entire cost reporting 58620
period for which the nursing facility participated in the medicaid 58621
program during the calendar year and identified in the cost report 58622
filed under section 5165.10 of the Revised Code. 58623

(F)(1) "Capital costs" means the actual expense incurred by a 58624
nursing facility for all of the following: 58625

(a) Depreciation and interest on any capital assets that cost 58626
five hundred dollars or more per item, including the following: 58627

(i) Buildings; 58628

(ii) Building improvements; 58629

(iii) Except as provided in division ~~(C)~~(D) of this section, 58630
equipment; 58631

(iv) Transportation equipment. 58632

(b) Amortization and interest on land improvements and 58633
leasehold improvements; 58634

(c) Amortization of financing costs; 58635

(d) Lease and rent of land, buildings, and equipment. 58636

(2) The costs of capital assets of less than five hundred 58637
dollars per item may be considered capital costs in accordance 58638
with a provider's practice. 58639

~~(F)~~(G) "Capital lease" and "operating lease" shall be 58640

construed in accordance with generally accepted accounting principles. 58641
58642

~~(G)~~(H) "Case-mix score" means a measure determined under 58643
section 5165.192 of the Revised Code of the relative direct-care 58644
resources needed to provide care and habilitation to a nursing 58645
facility resident. 58646

~~(H)~~(I) "Change of operator" means an entering operator 58647
becoming the operator of a nursing facility in the place of the 58648
exiting operator. 58649

(1) Actions that constitute a change of operator include the 58650
following: 58651

(a) A change in an exiting operator's form of legal 58652
organization, including the formation of a partnership or 58653
corporation from a sole proprietorship; 58654

(b) A transfer of all the exiting operator's ownership 58655
interest in the operation of the nursing facility to the entering 58656
operator, regardless of whether ownership of any or all of the 58657
real property or personal property associated with the nursing 58658
facility is also transferred; 58659

(c) A lease of the nursing facility to the entering operator 58660
or the exiting operator's termination of the exiting operator's 58661
lease; 58662

(d) If the exiting operator is a partnership, dissolution of 58663
the partnership; 58664

(e) If the exiting operator is a partnership, a change in 58665
composition of the partnership unless both of the following apply: 58666

(i) The change in composition does not cause the 58667
partnership's dissolution under state law. 58668

(ii) The partners agree that the change in composition does 58669
not constitute a change in operator. 58670

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

~~(I)~~(J) "Cost center" means the following:

(1) Ancillary and support costs;

(2) Capital costs;

(3) Direct care costs;

(4) Tax costs.

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply:

(1) It has been measured, fitted, or adapted in consideration of either of the following:

(a) The body size or disability of the individual who is to use the wheelchair;

(b) The individual's period of need for, or intended use of,

the wheelchair. 58700

(2) It has customized features, modifications, or components, 58701
such as adaptive seating and positioning systems, that the 58702
supplier who assembled the wheelchair, or the manufacturer from 58703
which the wheelchair was ordered, added or made in accordance with 58704
the instructions of the physician of the individual who is to use 58705
the wheelchair. 58706

~~(K)(1)~~(L)(1) "Date of licensure" means the following: 58707

(a) In the case of a nursing facility that was required by 58708
law to be licensed as a nursing home under Chapter 3721. of the 58709
Revised Code when it originally began to be operated as a nursing 58710
home, the date the nursing facility was originally so licensed; 58711

(b) In the case of a nursing facility that was not required 58712
by law to be licensed as a nursing home when it originally began 58713
to be operated as a nursing home, the date it first began to be 58714
operated as a nursing home, regardless of the date the nursing 58715
facility was first licensed as a nursing home. 58716

(2) If, after a nursing facility's original date of 58717
licensure, more nursing home beds are added to the nursing 58718
facility, the nursing facility has a different date of licensure 58719
for the additional beds. This does not apply, however, to 58720
additional beds when both of the following apply: 58721

(a) The additional beds are located in a part of the nursing 58722
facility that was constructed at the same time as the continuing 58723
beds already located in that part of the nursing facility; 58724

(b) The part of the nursing facility in which the additional 58725
beds are located was constructed as part of the nursing facility 58726
at a time when the nursing facility was not required by law to be 58727
licensed as a nursing home. 58728

(3) The definition of "date of licensure" in this section 58729

applies in determinations of nursing facilities' medicaid payment 58730
rates but does not apply in determinations of nursing facilities' 58731
franchise permit fees. 58732

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs 58733
as reported on a cost report submitted under section 5165.10 of 58734
the Revised Code have been subjected to a desk review under 58735
section 5165.108 of the Revised Code and preliminarily determined 58736
to be allowable costs. 58737

~~(M)~~(N) "Direct care costs" means all of the following costs 58738
incurred by a nursing facility: 58739

(1) Costs for registered nurses, licensed practical nurses, 58740
and nurse aides employed by the nursing facility; 58741

(2) Costs for direct care staff, administrative nursing 58742
staff, medical directors, respiratory therapists, and except as 58743
provided in division ~~(M)~~~~(8)~~(N)(8) of this section, other persons 58744
holding degrees qualifying them to provide therapy; 58745

(3) Costs of purchased nursing services; 58746

(4) Costs of quality assurance; 58747

(5) Costs of training and staff development, employee 58748
benefits, payroll taxes, and workers' compensation premiums or 58749
costs for self-insurance claims and related costs as specified in 58750
rules adopted under section 5165.02 of the Revised Code, for 58751
personnel listed in divisions ~~(M)~~~~(1)~~(N)(1), (2), (4), and (8) of 58752
this section; 58753

(6) Costs of consulting and management fees related to direct 58754
care; 58755

(7) Allocated direct care home office costs; 58756

(8) Costs of habilitation staff (other than habilitation 58757
supervisors), medical supplies, emergency oxygen, over-the-counter 58758
pharmacy products, physical therapists, physical therapy 58759

assistants, occupational therapists, occupational therapy	58760
assistants, speech therapists, audiologists, habilitation	58761
supplies, and universal precautions supplies;	58762
(9) Costs of wheelchairs other than the following:	58763
(a) Custom wheelchairs;	58764
(b) Repairs to and replacements of custom wheelchairs and	58765
parts that are made in accordance with the instructions of the	58766
physician of the individual who uses the custom wheelchair.	58767
(10) Costs of other direct-care resources that are specified	58768
as direct care costs in rules adopted under section 5165.02 of the	58769
Revised Code.	58770
(N) <u>(O)</u> "Dual eligible individual" has the same meaning as in	58771
section 5160.01 of the Revised Code.	58772
(O) <u>(P)</u> "Effective date of a change of operator" means the day	58773
the entering operator becomes the operator of the nursing	58774
facility.	58775
(P) <u>(Q)</u> "Effective date of a facility closure" means the last	58776
day that the last of the residents of the nursing facility resides	58777
in the nursing facility.	58778
(Q) <u>(R)</u> "Effective date of an involuntary termination" means	58779
the date the department of medicaid terminates the operator's	58780
provider agreement for the nursing facility.	58781
(R) <u>(S)</u> "Effective date of a voluntary withdrawal of	58782
participation" means the day the nursing facility ceases to accept	58783
new medicaid residents other than the individuals who reside in	58784
the nursing facility on the day before the effective date of the	58785
voluntary withdrawal of participation.	58786
(S) <u>(T)</u> "Entering operator" means the person or government	58787
entity that will become the operator of a nursing facility when a	58788
change of operator occurs or following an involuntary termination.	58789

(T) (U) "Exiting operator" means any of the following:	58790
(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;	58791 58792
(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;	58793 58794
(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;	58795 58796
(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.	58797 58798
(U) (1) (V) (1) Subject to divisions (U) (2) (V) (2) and (3) of this section, "facility closure" means either of the following:	58799 58800
(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;	58801 58802 58803 58804
(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.	58805 58806 58807 58808 58809 58810
(2) A facility closure occurs regardless of any of the following:	58811 58812
(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;	58813 58814 58815 58816
(b) The nursing facility's residents relocating to another of the operator's nursing facilities;	58817 58818
(c) Any action the department of health takes regarding the	58819

nursing facility's medicaid certification that may result in the 58820
transfer of part of the nursing facility's survey findings to 58821
another of the operator's nursing facilities; 58822

(d) Any action the department of health takes regarding the 58823
nursing facility's license under Chapter 3721. of the Revised 58824
Code. 58825

(3) A facility closure does not occur if all of the nursing 58826
facility's residents are relocated due to an emergency evacuation 58827
and one or more of the residents return to a medicaid-certified 58828
bed in the nursing facility not later than thirty days after the 58829
evacuation occurs. 58830

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 58831
sections 5168.40 to 5168.56 of the Revised Code. 58832

~~(W)~~(X) "Inpatient days" means both of the following: 58833

(1) All days during which a resident, regardless of payment 58834
source, occupies a licensed bed in a nursing facility ~~that is~~ 58835
~~included in the nursing facility's medicaid-certified capacity;~~ 58836

(2) Fifty per cent of the days for which payment is made 58837
under section 5165.34 of the Revised Code. 58838

~~(X)~~(Y) "Involuntary termination" means the department of 58839
medicaid's termination of the operator's provider agreement for 58840
the nursing facility when the termination is not taken at the 58841
operator's request. 58842

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 58843
recipient residing in a nursing facility who, for purposes of 58844
calculating the nursing facility's medicaid payment rate for 58845
direct care costs, is placed in either of the two lowest resource 58846
utilization groups, excluding any resource utilization group that 58847
is a default group used for residents with incomplete assessment 58848
data. 58849

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 58850
facility's expenditures that are necessary and proper to maintain 58851
an asset in a normally efficient working condition and that do not 58852
extend the useful life of the asset two years or more. 58853
"Maintenance and repair expenses" includes but is not limited to 58854
the costs of ordinary repairs such as painting and wallpapering. 58855

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 58856
nursing facility's beds that are certified for participation in 58857
medicaid as nursing facility beds. 58858

~~(BB)~~(CC) "Medicaid days" means both of the following: 58859

(1) All days during which a resident who is a medicaid 58860
recipient eligible for nursing facility services occupies a bed in 58861
a nursing facility that is included in the nursing facility's 58862
medicaid-certified capacity; 58863

(2) Fifty per cent of the days for which payment is made 58864
under section 5165.34 of the Revised Code. 58865

~~(CC)~~(1)~~(DD)~~(1) "New nursing facility" means a nursing 58866
facility for which the provider obtains an initial provider 58867
agreement following medicaid certification of the nursing facility 58868
by the director of health, including such a nursing facility that 58869
replaces one or more nursing facilities for which a provider 58870
previously held a provider agreement. 58871

(2) "New nursing facility" does not mean a nursing facility 58872
for which the entering operator seeks a provider agreement 58873
pursuant to section 5165.511 or 5165.512 or (pursuant to section 58874
5165.515) section 5165.07 of the Revised Code. 58875

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 58876
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 58877

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 58878
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 58879

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 58880
58881

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed beds that, regardless of payer source, are either of the following: 58882
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58884

(1) Reserved for use under section 5165.34 of the Revised Code; 58885
58886

(2) Actually being used. 58887

(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility. 58888
58889
58890

~~(HH)~~(1)(JJ)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility: 58891
58892
58893
58894

(a) The land on which the nursing facility is located; 58895

(b) The structure in which the nursing facility is located; 58896

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located; 58897
58898
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(d) Any lease or sublease of the land or structure on or in which the nursing facility is located. 58900
58901

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary. 58902
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~~(II)~~(KK) "Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost 58907
58908
58909

reporting period. 58910

~~(JJ)~~(LL) "Provider" means an operator with a provider 58911
agreement. 58912

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 58913
defined in section 5164.01 of the Revised Code, that is between 58914
the department of medicaid and the operator of a nursing facility 58915
for the provision of nursing facility services under the medicaid 58916
program. 58917

~~(LL)~~(NN) "Purchased nursing services" means services that are 58918
provided in a nursing facility by registered nurses, licensed 58919
practical nurses, or nurse aides who are not employees of the 58920
nursing facility. 58921

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 58922
that is appropriate and helpful to develop and maintain the 58923
operation of patient care facilities and activities, including 58924
normal standby costs, and that does not exceed what a prudent 58925
buyer pays for a given item or services. Reasonable costs may vary 58926
from provider to provider and from time to time for the same 58927
provider. 58928

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 58929
following using information from cost reports for an applicable 58930
calendar year that is later than the applicable calendar year used 58931
for the previous rebasing: 58932

(1) Each peer group's rate for ancillary and support costs as 58933
determined pursuant to division (C) of section 5165.16 of the 58934
Revised Code; 58935

(2) Each peer group's rate for capital costs as determined 58936
pursuant to division (C) of section 5165.17 of the Revised Code; 58937

(3) Each peer group's cost per case-mix unit as determined 58938
pursuant to division (C) of section 5165.19 of the Revised Code; 58939

(4) Each nursing facility's rate for tax costs as determined 58940
pursuant to section 5165.21 of the Revised Code. 58941

~~(00)~~(00) "Related party" means an individual or organization 58942
that, to a significant extent, has common ownership with, is 58943
associated or affiliated with, has control of, or is controlled 58944
by, the provider. 58945

(1) An individual who is a relative of an owner is a related 58946
party. 58947

(2) Common ownership exists when an individual or individuals 58948
possess significant ownership or equity in both the provider and 58949
the other organization. Significant ownership or equity exists 58950
when an individual or individuals possess five per cent ownership 58951
or equity in both the provider and a supplier. Significant 58952
ownership or equity is presumed to exist when an individual or 58953
individuals possess ten per cent ownership or equity in both the 58954
provider and another organization from which the provider 58955
purchases or leases real property. 58956

(3) Control exists when an individual or organization has the 58957
power, directly or indirectly, to significantly influence or 58958
direct the actions or policies of an organization. 58959

(4) An individual or organization that supplies goods or 58960
services to a provider shall not be considered a related party if 58961
all of the following conditions are met: 58962

(a) The supplier is a separate bona fide organization. 58963

(b) A substantial part of the supplier's business activity of 58964
the type carried on with the provider is transacted with others 58965
than the provider and there is an open, competitive market for the 58966
types of goods or services the supplier furnishes. 58967

(c) The types of goods or services are commonly obtained by 58968
other nursing facilities from outside organizations and are not a 58969

basic element of patient care ordinarily furnished directly to 58970
patients by nursing facilities. 58971

(d) The charge to the provider is in line with the charge for 58972
the goods or services in the open market and no more than the 58973
charge made under comparable circumstances to others by the 58974
supplier. 58975

~~(PP)~~ (RR) "Relative of owner" means an individual who is 58976
related to an owner of a nursing facility by one of the following 58977
relationships: 58978

(1) Spouse; 58979

(2) Natural parent, child, or sibling; 58980

(3) Adopted parent, child, or sibling; 58981

(4) Stepparent, stepchild, stepbrother, or stepsister; 58982

(5) Father-in-law, mother-in-law, son-in-law, 58983
daughter-in-law, brother-in-law, or sister-in-law; 58984

(6) Grandparent or grandchild; 58985

(7) Foster caregiver, foster child, foster brother, or foster 58986
sister. 58987

~~(QQ)~~ (SS) "Residents' rights advocate" has the same meaning as 58988
in section 3721.10 of the Revised Code. 58989

~~(RR)~~ (TT) "Skilled nursing facility" has the same meaning as 58990
in the "Social Security Act," section 1819(a), 42 U.S.C. 58991
1395i-3(a). 58992

~~(SS)~~ (UU) "State fiscal year" means the fiscal year of this 58993
state, as specified in section 9.34 of the Revised Code. 58994

~~(TT)~~ (VV) "Sponsor" has the same meaning as in section 3721.10 58995
of the Revised Code. 58996

~~(UU)~~ (WW) "Tax costs" means the costs of taxes imposed under 58997
Chapter 5751. of the Revised Code, real estate taxes, personal 58998

property taxes, and corporate franchise taxes.	58999
(VV) (XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	59000 59001
(WW) (YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	59002 59003
(XX) (ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	59004 59005 59006 59007
Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:	59008 59009 59010 59011 59012 59013
(A) Determine the sum of all of the following:	59014
(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;	59015 59016 59017
(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;	59018 59019 59020
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	59021 59022 59023
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	59024 59025 59026
(5) If the nursing facility qualifies as a critical access	59027

nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code. 59028
59029

(B) To the sum determined under division (A) of this section, add sixteen dollars and forty-four cents. 59030
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(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents. 59032
59033

~~(D) To the difference determined under division (C) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code.~~ 59034
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~~(E)~~ To the sum determined under division ~~(D)~~(C) of this section, add, for state fiscal year ~~2021~~ 2022 and for state fiscal year 2023, the per medicaid day quality incentive payment rate determined for the nursing facility under section 5165.26 of the Revised Code. 59038
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59042

Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 59043
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.16 of the Revised Code. 59049
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59051

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.17 of the Revised Code; 59052
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59054

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (C) of section 5165.19 of the Revised Code for the new nursing 59055
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59057

facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 59058
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(4) The initial rate for tax costs shall be the following: 59060

(a) If the provider of the new nursing facility submits to the department of medicaid the nursing facility's projected tax costs for the calendar year in which the provider obtains an initial provider agreement for the new nursing facility, an amount determined by dividing those projected tax costs by the number of inpatient days the nursing facility would have for that calendar year if its occupancy rate were one hundred per cent; 59061
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(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code. 59068
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~~(5) The quality payment shall be the mean quality payment rate determined for nursing facilities under section 5165.25 of the Revised Code.~~ 59072
59073
59074

~~(6)~~ Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to ~~(5)~~(4) of this section. 59075
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(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 59078
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(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 59080
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the 59085
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medicaid program, the semiannual case-mix score most recently 59088
determined under section 5165.192 of the Revised Code for the 59089
replaced nursing facility as adjusted, if necessary, to reflect 59090
any difference in the number of beds in the replaced and new 59091
nursing facilities. 59092

(C) Subject to division (D) of this section, the department 59093
of medicaid shall adjust the rates established under division (A) 59094
of this section effective the first day of July, to reflect new 59095
rate calculations for all nursing facilities under this chapter. 59096

(D) If a rate for direct care costs is determined under this 59097
section for a new nursing facility using the median annual average 59098
case-mix score for the new nursing facility's peer group, the rate 59099
shall be redetermined to reflect the new nursing facility's actual 59100
semiannual average case-mix score determined under section 59101
5165.192 of the Revised Code after the new nursing facility 59102
submits its first two quarterly assessment data that qualify for 59103
use in calculating a case-mix score in accordance with rules 59104
authorized by section 5165.192 of the Revised Code. If the new 59105
nursing facility's quarterly submissions do not qualify for use in 59106
calculating a case-mix score, the department shall continue to use 59107
the median annual average case-mix score for the new nursing 59108
facility's peer group in lieu of the new nursing facility's 59109
semiannual case-mix score until the new nursing facility submits 59110
two consecutive quarterly assessment data that qualify for use in 59111
calculating a case-mix score. 59112

Sec. 5165.16. (A) The department of medicaid shall determine 59113
each nursing facility's per medicaid day payment rate for 59114
ancillary and support costs. A nursing facility's rate shall be 59115
the rate determined under division (C) of this section for the 59116
nursing facility's peer group. 59117

(B) For the purpose of determining nursing facilities' rates 59118

for ancillary and support costs, the department shall establish 59119
six peer groups composed as follows: 59120

(1) Each nursing facility located in any of the following 59121
counties shall be placed in peer group one or two: Brown, Butler, 59122
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 59123
located in any of those counties that has fewer than one hundred 59124
beds shall be placed in peer group one. Each nursing facility 59125
located in any of those counties that has one hundred or more beds 59126
shall be placed in peer group two. 59127

(2) Each nursing facility located in any of the following 59128
counties shall be placed in peer group three or four: Allen, 59129
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 59130
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 59131
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 59132
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 59133
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 59134
nursing facility located in any of those counties that has fewer 59135
than one hundred beds shall be placed in peer group three. Each 59136
nursing facility located in any of those counties that has one 59137
hundred or more beds shall be placed in peer group four. 59138

(3) Each nursing facility located in any of the following 59139
counties shall be placed in peer group five or six: Adams, 59140
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 59141
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 59142
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 59143
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 59144
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 59145
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 59146
and Wyandot. Each nursing facility located in any of those 59147
counties that has fewer than one hundred beds shall be placed in 59148
peer group five. Each nursing facility located in any of those 59149
counties that has one hundred or more beds shall be placed in peer 59150

group six. 59151

(C)(1) The department shall determine the rate for ancillary 59152
and support costs for each peer group established under division 59153
(B) of this section. The rate for ancillary and support costs 59154
determined under this division for a peer group shall be used for 59155
subsequent years until the department conducts a rebasing. To 59156
determine a peer group's rate for ancillary and support costs, the 59157
department shall do all of the following: 59158

(a) ~~Subject to division (C)(2) of this section, determine~~ 59159
Determine the rate for ancillary and support costs for each 59160
nursing facility in the peer group for the applicable calendar 59161
year by using the greater of the nursing facility's actual 59162
inpatient days for the applicable calendar year or the inpatient 59163
days the nursing facility would have had for the applicable 59164
calendar year if its occupancy rate had been ninety per cent; 59165

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, 59166
identify which nursing facility in the peer group is at the 59167
twenty-fifth percentile of the rate for ancillary and support 59168
costs for the applicable calendar year determined under division 59169
(C)(1)(a) of this section; 59170

(c) Multiply the rate for ancillary and support costs 59171
determined under division (C)(1)(a) of this section for the 59172
nursing facility identified under division (C)(1)(b) of this 59173
section by the rate of inflation for the eighteen-month period 59174
beginning on the first day of July of the applicable calendar year 59175
and ending the last day of December of the calendar year 59176
immediately following the applicable calendar year using the 59177
following: 59178

(i) Except as provided in division (C)(1)(c)(ii) of this 59179
section, the consumer price index for all items for all urban 59180
consumers for the midwest region, published by the United States 59181

bureau of labor statistics; 59182

(ii) If the United States bureau of labor statistics ceases 59183
to publish the index specified in division (C)(1)(c)(i) of this 59184
section, the index the bureau subsequently publishes that covers 59185
urban consumers' prices for items for the region that includes 59186
this state. 59187

~~(2) For the purpose of determining a nursing facility's 59188
occupancy rate under division (C)(1)(a) of this section, the 59189
department shall include any beds that the nursing facility 59190
removes from its medicaid certified capacity unless the nursing 59191
facility also removes the beds from its licensed bed capacity. 59192~~

~~(3)~~ In making the identification under division (C)(1)(b) of 59193
this section, the department shall exclude both of the following: 59194

(a) Nursing facilities that participated in the medicaid 59195
program under the same provider for less than twelve months in the 59196
applicable calendar year; 59197

(b) Nursing facilities whose ancillary and support costs are 59198
more than one standard deviation from the mean desk-reviewed, 59199
actual, allowable, per diem ancillary and support cost for all 59200
nursing facilities in the nursing facility's peer group for the 59201
applicable calendar year. 59202

~~(4)~~(3) The department shall not redetermine a peer group's 59203
rate for ancillary and support costs under this division based on 59204
additional information that it receives after the rate is 59205
determined. The department shall redetermine a peer group's rate 59206
for ancillary and support costs only if the department made an 59207
error in determining the rate based on information available to 59208
the department at the time of the original determination. 59209

Sec. 5165.17. (A) The department of medicaid shall determine 59210
each nursing facility's per medicaid day payment rate for capital 59211

costs. A nursing facility's rate shall be the rate determined 59212
under division (C) of this section for the nursing facility's peer 59213
group. 59214

(B) For the purpose of determining nursing facilities' rates 59215
for capital costs, the department shall establish six peer groups. 59216

(1) Each nursing facility located in any of the following 59217
counties shall be placed in peer group one or two: Brown, Butler, 59218
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 59219
located in any of those counties that has fewer than one hundred 59220
beds shall be placed in peer group one. Each nursing facility 59221
located in any of those counties that has one hundred or more beds 59222
shall be placed in peer group two. 59223

(2) Each nursing facility located in any of the following 59224
counties shall be placed in peer group three or four: Allen, 59225
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 59226
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 59227
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 59228
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 59229
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 59230
nursing facility located in any of those counties that has fewer 59231
than one hundred beds shall be placed in peer group three. Each 59232
nursing facility located in any of those counties that has one 59233
hundred or more beds shall be placed in peer group four. 59234

(3) Each nursing facility located in any of the following 59235
counties shall be placed in peer group five or six: Adams, 59236
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 59237
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 59238
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 59239
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 59240
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 59241
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 59242

and Wyandot. Each nursing facility located in any of those 59243
counties that has fewer than one hundred beds shall be placed in 59244
peer group five. Each nursing facility located in any of those 59245
counties that has one hundred or more beds shall be placed in peer 59246
group six. 59247

(C)(1) The department shall determine the rate for capital 59248
costs for each peer group established under division (B) of this 59249
section. The rate for capital costs determined under this division 59250
for a peer group shall be used for subsequent years until the 59251
department conducts a rebasing. A peer group's rate for capital 59252
costs shall be the rate for capital costs for the nursing facility 59253
in the peer group that is at the twenty-fifth percentile of the 59254
rate for capital costs for the applicable calendar year. 59255

(2) To identify the nursing facility in a peer group that is 59256
at the twenty-fifth percentile of the rate for capital costs for 59257
the applicable calendar year, the department shall do both of the 59258
following: 59259

(a) ~~Subject to division (C)(3) of this section, use~~ Use the 59260
greater of each nursing facility's actual inpatient days for the 59261
applicable calendar year or the inpatient days the nursing 59262
facility would have had for the applicable calendar year if its 59263
occupancy rate had been one hundred per cent; 59264

(b) Exclude both of the following: 59265

(i) Nursing facilities that participated in the medicaid 59266
program under the same provider for less than twelve months in the 59267
applicable calendar year; 59268

(ii) Nursing facilities whose capital costs are more than one 59269
standard deviation from the mean desk-reviewed, actual, allowable, 59270
per diem capital cost for all nursing facilities in the nursing 59271
facility's peer group for the applicable calendar year. 59272

(3) ~~For the purpose of determining a nursing facility's~~ 59273

~~occupancy rate under division (C)(2)(a) of this section, the 59274
department shall include any beds that the nursing facility 59275
removes from its medicaid certified capacity after June 30, 2005, 59276
unless the nursing facility also removes the beds from its 59277
licensed bed capacity. 59278~~

(4) The department shall not redetermine a peer group's rate 59279
for capital costs under this division based on additional 59280
information that it receives after the rate is determined. The 59281
department shall redetermine a peer group's rate for capital costs 59282
only if the department made an error in determining the rate based 59283
on information available to the department at the time of the 59284
original determination. 59285

(D) Buildings shall be depreciated using the straight line 59286
method over forty years or over a different period approved by the 59287
department. Components and equipment shall be depreciated using 59288
the straight-line method over a period designated in rules adopted 59289
under section 5165.02 of the Revised Code, consistent with the 59290
guidelines of the American hospital association, or over a 59291
different period approved by the department. Any rules authorized 59292
by this division that specify useful lives of buildings, 59293
components, or equipment apply only to assets acquired on or after 59294
July 1, 1993. Depreciation for costs paid or reimbursed by any 59295
government agency shall not be included in capital costs unless 59296
that part of the payment under this chapter is used to reimburse 59297
the government agency. 59298

(E) The capital cost basis of nursing facility assets shall 59299
be determined in the following manner: 59300

(1) Except as provided in division (E)(3) of this section, 59301
for purposes of calculating the rates to be paid for facilities 59302
with dates of licensure on or before June 30, 1993, the capital 59303
cost basis of each asset shall be equal to the desk-reviewed, 59304
actual, allowable, capital cost basis that is listed on the 59305

facility's cost report for the calendar year preceding the state 59306
fiscal year during which the rate will be paid. 59307

(2) For facilities with dates of licensure after June 30, 59308
1993, the capital cost basis shall be determined in accordance 59309
with the principles of the medicare program, except as otherwise 59310
provided in this chapter. 59311

(3) Except as provided in division (E)(4) of this section, if 59312
a provider transfers an interest in a facility to another provider 59313
after June 30, 1993, there shall be no increase in the capital 59314
cost basis of the asset if the providers are related parties or 59315
the provider to which the interest is transferred authorizes the 59316
provider that transferred the interest to continue to operate the 59317
facility under a lease, management agreement, or other 59318
arrangement. If the previous sentence does not prohibit the 59319
adjustment of the capital cost basis under this division, the 59320
basis of the asset shall be adjusted by one-half of the change in 59321
the consumer price index for all items for all urban consumers, as 59322
published by the United States bureau of labor statistics, during 59323
the time that the transferor held the asset. 59324

(4) If a provider transfers an interest in a facility to 59325
another provider who is a related party, the capital cost basis of 59326
the asset shall be adjusted as specified in division (E)(3) of 59327
this section if all of the following conditions are met: 59328

(a) The related party is a relative of owner; 59329

(b) Except as provided in division (E)(4)(c)(ii) of this 59330
section, the provider making the transfer retains no ownership 59331
interest in the facility; 59332

(c) The department determines that the transfer is an arm's 59333
length transaction pursuant to rules adopted under section 5165.02 59334
of the Revised Code. The rules shall provide that a transfer is an 59335
arm's length transaction if all of the following apply: 59336

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated 59400
at the inception of the lease using the lessor's entire historical 59401
capital asset cost basis; 59402

(b) The greater of the lessor's actual annual amortization of 59403
financing costs and interest expense at the inception of the lease 59404
or the imputed interest expense calculated at the inception of the 59405
lease using seventy per cent of the lessor's historical capital 59406
asset cost basis. 59407

(4) Subject to division (A) of this section, for a lease of a 59408
facility with a date of licensure on or after May 27, 1992, that 59409
was not initially operated under a lease and has been in existence 59410
for ten years, actual, allowable capital costs shall include the 59411
lesser of the annual lease expense or the annual depreciation 59412
expense and imputed interest expense that would be calculated at 59413
the inception of the lease using the entire historical capital 59414
asset cost basis of one-half of the change in the consumer price 59415
index for all items for all urban consumers, as published by the 59416
United States bureau of labor statistics, during the time the 59417
lessor held each asset until the beginning of the lease. 59418

(5) Subject to division (A) of this section, for a new lease 59419
of a facility that was operated under a lease on May 27, 1992, 59420
actual, allowable capital costs shall include the lesser of the 59421
annual new lease expense or the annual old lease payment. If the 59422
old lease was in effect for ten years or longer, the old lease 59423
payment from the beginning of the old lease shall be adjusted by 59424
one-half of the change in the consumer price index for all items 59425
for all urban consumers, as published by the United States bureau 59426
of labor statistics, from the beginning of the old lease to the 59427
beginning of the new lease. 59428

(6) Subject to division (A) of this section, for a new lease 59429
of a facility that was not in existence or that was in existence 59430
but not operated under a lease on May 27, 1992, actual, allowable 59431

capital costs shall include the lesser of annual new lease expense 59432
or the annual amount calculated for the old lease under division 59433
(F)(2), (3), (4), or (6) of this section, as applicable. If the 59434
old lease was in effect for ten years or longer, the lessor's 59435
historical capital asset cost basis shall be, for purposes of 59436
calculating the annual amount under division (F)(2), (3), (4), or 59437
(6) of this section, adjusted by one-half of the change in the 59438
consumer price index for all items for all urban consumers, as 59439
published by the United States bureau of labor statistics, from 59440
the beginning of the old lease to the beginning of the new lease. 59441

In the case of a lease under division (F)(3) of this section 59442
of a facility for which a substantial commitment of money was made 59443
after December 22, 1992, and before July 1, 1993, the old lease 59444
payment shall be adjusted for the purpose of determining the 59445
annual amount. 59446

(7) For any revision of a lease described in division (F)(1), 59447
(2), (3), (4), (5), or (6) of this section, or for any subsequent 59448
lease of a facility operated under such a lease, other than 59449
execution of a new lease, the portion of actual, allowable capital 59450
costs attributable to the lease shall be the same as before the 59451
revision or subsequent lease. 59452

(8) Except as provided in division (F)(9) of this section, if 59453
a provider leases an interest in a facility to another provider 59454
who is a related party or previously operated the facility, the 59455
related party's or previous operator's actual, allowable capital 59456
costs shall include the lesser of the annual lease expense or the 59457
reasonable cost to the lessor. 59458

(9) If a provider leases an interest in a facility to another 59459
provider who is a related party, regardless of the date of the 59460
lease, the related party's actual, allowable capital costs shall 59461
include the annual lease expense, subject to the limitations 59462
specified in divisions (F)(1) to (7) of this section, if all of 59463

the following conditions are met: 59464

(a) The related party is a relative of owner; 59465

(b) If the lessor retains an ownership interest, it is, 59466
except as provided in division (F)(9)(c)(ii) of this section, in 59467
only the real property and any improvements on the real property; 59468

(c) The department determines that the lease is an arm's 59469
length transaction pursuant to rules adopted under section 5165.02 59470
of the Revised Code. The rules shall provide that a lease is an 59471
arm's length transaction if all of the following apply: 59472

(i) Once the lease goes into effect, the lessor has no direct 59473
or indirect interest in the lessee or, except as provided in 59474
division (F)(9)(b) of this section, the facility itself, including 59475
interest as an owner, officer, director, employee, independent 59476
contractor, or consultant, but excluding interest as a lessor. 59477

(ii) The lessor does not reacquire an interest in the 59478
facility except through the exercise of a lessor's rights in the 59479
event of a default. If the lessor reacquires an interest in the 59480
facility in this manner, the department shall treat the facility 59481
as if the lease never occurred when the department calculates its 59482
reimbursement rates for capital costs. 59483

(iii) The lease satisfies any other criteria specified in the 59484
rules. 59485

(d) Except in the case of hardship caused by a catastrophic 59486
event, as determined by the department, or in the case of a lessor 59487
who is at least sixty-five years of age, not less than twenty 59488
years have elapsed since, for the same facility, the capital cost 59489
basis was adjusted most recently under division (E)(4) of this 59490
section or actual, allowable capital costs were determined most 59491
recently under division (F)(9) of this section. 59492

(10) This division does not apply to leases of specific items 59493

of equipment. 59494

Sec. 5165.191. Each calendar quarter, each nursing facility 59495
provider shall compile complete assessment data for each resident 59496
of each of the provider's nursing facilities, regardless of 59497
payment source, who is in the nursing facility, or on hospital or 59498
therapeutic leave from the nursing facility, on the last day of 59499
the quarter. A resident assessment instrument specified in rules 59500
authorized by this section shall be used to compile the resident 59501
assessment data. Each provider shall submit the resident 59502
assessment data to the department of health and, if required by 59503
the rules, the department of medicaid. The resident assessment 59504
data shall be submitted not later than fifteen days after the end 59505
of the calendar quarter for which the data is compiled. If the 59506
resident assessment data is to be submitted to the department of 59507
medicaid, it shall be submitted to the department through the 59508
medium or media specified in the rules. 59509

Rules adopted under section 5165.02 of the Revised Code shall 59510
do all of the following: 59511

(A) In a manner consistent with the "Social Security Act," 59512
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 59513
assessment instrument to be used by nursing facility providers 59514
under this section; 59515

(B) Specify whether nursing facility providers must submit 59516
the resident assessment data to the department of medicaid; 59517

(C) Specify any resident assessment data that is excluded 59518
from the case mix calculation made under section 5165.192 of the 59519
Revised Code; 59520

(D) If the rules specify that nursing facility providers must 59521
submit the resident assessment data to the department, specify the 59522
medium or media through which the data is to be submitted. 59523

Sec. 5165.26. (A) As used in this section: 59524

(1) "Base rate" means the portion of a nursing facility's 59525
total per medicaid day payment rate determined under divisions (A) 59526
~~and~~, (B), and (C) of section 5165.15 of the Revised Code. 59527

(2) "CMS" means the United States centers for medicare and 59528
medicaid services. 59529

(3) "Force majeure event" means an uncontrollable force or 59530
natural disaster not within the power of a nursing facility's 59531
operator. 59532

(4) "Long-stay resident" ~~has the same meaning as in section~~ 59533
~~5165.25 of the Revised Code~~ means an individual who has resided in 59534
a nursing facility for at least one hundred one days. 59535

(5) "Nursing facilities for which a quality score was 59536
determined" includes nursing facilities that are determined to 59537
have a quality score of zero. 59538

(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 59539
2023, and subject to divisions (D), (E), ~~and (F)~~, and (G) of this 59540
section, the department of medicaid shall determine each nursing 59541
facility's per medicaid day quality incentive payment rate as 59542
follows: 59543

(1) Determine the sum of the quality scores determined under 59544
division (C) of this section for all nursing facilities. 59545

(2) Determine the average quality score by dividing the sum 59546
determined under division (B)(1) of this section by the number of 59547
nursing facilities for which a quality score was determined. 59548

(3) ~~For state fiscal year 2021, determine~~ Determine the sum 59549
of the total number of medicaid days for all of the calendar year 59550
~~2019~~ preceding the fiscal year for which the rate is determined 59551
for all nursing facilities for which a quality score was 59552
determined. 59553

(4) Multiply the average quality score determined under	59554
division (B)(2) of this section by the sum determined under	59555
division (B)(3) of this section.	59556
(5) Determine the value per quality point by determining the	59557
quotient of the following:	59558
(a) For state fiscal year 2021, the <u>The</u> sum determined under	59559
division (F)(2) of this section.	59560
(b) The product determined under division (B)(4) of this	59561
section.	59562
(6) Multiply the value per quality point determined under	59563
division (B)(5) of this section by the nursing facility's quality	59564
score determined under division (C) of this section.	59565
(C)(1) Except as provided in divisions (C)(2) and (3) of this	59566
section, a nursing facility's quality score for state fiscal year	59567
2021 <u>2022 and state fiscal year 2023</u> shall be the sum of the total	59568
number of points that CMS assigned to the nursing facility,	59569
<u>including a nursing facility that underwent a change of operator,</u>	59570
under CMS's nursing facility five-star quality rating system for	59571
the following quality metrics based on the most recent	59572
four-quarter average data available in the database maintained by	59573
the United States centers for medicare and medicaid services <u>CMS</u>	59574
and known as nursing home compare in May of 2020 <u>the calendar year</u>	59575
<u>preceding the fiscal year for which the rate is determined begins:</u>	59576
	59577
(a) The percentage of the nursing facility's long-stay	59578
residents at high risk for pressure ulcers who had pressure	59579
ulcers;	59580
(b) The percentage of the nursing facility's long-stay	59581
residents who had a urinary tract infection;	59582
(c) The percentage of the nursing facility's long-stay	59583

residents whose ability to move independently worsened; 59584

(d) The percentage of the nursing facility's long-stay 59585
residents who had a catheter inserted and left in their bladder. 59586

(2) In determining a nursing facility's quality score for 59587
state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the 59588
department shall make the following adjustment to the number of 59589
points that CMS assigned to the nursing facility, including a 59590
nursing facility that underwent a change of operator, for each of 59591
the quality metrics specified in division (C)(1) of this section: 59592

(a) Unless division (C)(2)(b) of this section applies, divide 59593
the number of the nursing facility's points for the quality metric 59594
by twenty. 59595

(b) If CMS assigned the nursing facility to the lowest 59596
percentile for the quality metric, reduce the number of the 59597
nursing facility's points for the quality metric to zero. 59598

(c) If the nursing facility's total number of points for 59599
state fiscal year 2022 for all of the quality metrics specified in 59600
division (C)(1) of this section is less than a number of points 59601
that is equal to the thirty-third percentile of all nursing 59602
facilities, reduce the nursing facility's points to zero. 59603

(d) If the nursing facility's total number of points for 59604
state fiscal year 2023 for all of the quality metrics specified in 59605
division (C)(1) of this section is less than its number of points 59606
established for state fiscal year 2022 under division (C)(2)(c) of 59607
this section, reduce the nursing facility's total points to zero. 59608

(3) A nursing facility's quality score shall be zero for 59609
state fiscal year ~~2021~~ 2022 or 2023 if it is not to receive a 59610
quality incentive payment for that state fiscal year because of 59611
division (D) of this section. 59612

(D)(1) Except as provided in division (D)(2) of this section, 59613

a nursing facility shall not receive a quality incentive payment 59614
for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if the 59615
nursing facility's licensed occupancy percentage is less than 59616
eighty per cent in that fiscal year. 59617

(2) Division (D)(1) of this section does not apply to a 59618
nursing facility if any of the following apply: 59619

(a) The nursing facility has a quality score under division 59620
(C) of this section for the state fiscal year ~~2021~~ of at least 59621
fifteen points; 59622

(b) The nursing facility was initially certified for 59623
participation in the medicaid program on or after January 1, ~~2019~~ 59624
of the calendar year preceding the fiscal year for which the rate 59625
is determined; 59626

(c) Subject to division (D)(4) of this section, one or more 59627
of the beds that are part of the nursing facility's licensed 59628
capacity could not be used for resident care during the calendar 59629
year ~~2019~~ preceding the fiscal year for which the rate is 59630
determined due to causes beyond the reasonable control of the 59631
nursing facility's operator, including a force majeure event; 59632

(d) Subject to division (D)(5) of this section, the nursing 59633
facility underwent a renovation during the two-year period 59634
beginning January 1, ~~2018~~, and ending January 1, ~~2020~~, of the 59635
calendar year occurring two years before the fiscal year for which 59636
the rate is determined to which both of the following apply: 59637

(i) The renovation involved capital expenditures of at least 59638
fifty thousand dollars, excluding expenditures for equipment, 59639
staffing, or operational costs. 59640

(ii) The renovation directly impacted the area of the nursing 59641
facility in which the beds that are part of the nursing facility's 59642
licensed capacity are located. 59643

(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:

(a) Determine the product of the following:

(i) The nursing facility's licensed capacity as of December 31, ~~2019~~, of the calendar year preceding the fiscal year for which the rate is determined, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) Three hundred sixty-five.

(b) Determine the quotient of the following:

(i) The total number of the nursing facility's inpatient days for the calendar year 2019 preceding the fiscal year for which the rate is determined, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) The product determined under division (D)(3)(a) of this section.

(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.

(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during that calendar year ~~2019~~ that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.

(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department

written documentation that confirms the renovation and capital expenditures. 59674
59675

(E) A nursing facility shall not receive a quality incentive payment for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if either of the following apply: 59676
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59678

(1) The nursing facility's initial total per medicaid day payment rate ~~for calendar year 2019 or state fiscal year 2021 for the state fiscal year or the calendar year preceding the fiscal year for which the rate is determined~~ is ~~determined~~ calculated pursuant to section 5165.151 of the Revised Code. 59679
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(2) The nursing facility undergoes a change of operator during ~~calendar year 2019 or the~~ state fiscal year ~~2021 or the~~ calendar year preceding the fiscal year for which the rate is determined. 59684
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59686
59687

(F) The total amount to be spent on quality incentive payments under division (B) of this section for each fiscal year during state fiscal year ~~2021~~ years 2022 and 2023 shall be determined as follows: 59688
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59690
59691

(1) 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: 59692
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59694

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents; 59695
59696
59697
59698

(b) Multiply the amount determined under division (F)(1)(a) of this section by the number of the nursing facility's medicaid days for the calendar year ~~2019~~ preceding the fiscal year for which the rate is determined. 59699
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(2) Determine the sum of the products determined under 59703

division (F)(1)(b) of this section for all nursing facilities for 59704
which the product was determined for the state fiscal year. 59705

(3) To the sum determined under division (F)(2) of this 59706
section, add \$108.5 million. 59707

(G) If a nursing facility undergoes a change of operator 59708
during state fiscal year 2022 or 2023, the per medicaid day 59709
quality incentive payment rate to be paid to the entering operator 59710
for nursing facility services that the nursing facility provides 59711
during the period beginning on the effective date of the change of 59712
operator and ending on the last day of the state fiscal year shall 59713
be the same amount as the per medicaid day quality incentive 59714
payment rate that was in effect on the day immediately preceding 59715
the effective date of the change of operator and paid to the 59716
nursing facility's exiting operator. For the immediately following 59717
state fiscal year, the per medicaid day quality incentive payment 59718
rate shall be determined under division (C) of this section. 59719

Sec. 5165.261. (A) The department of medicaid shall establish 59720
a nursing facility payment commission comprised of various nursing 59721
facility stakeholders. The commission shall consist of the 59722
following members: 59723

(1) Two members appointed by the governor; 59724

(2) Two members appointed by the speaker of the house of 59725
representatives; 59726

(3) Two members appointed by the president of the senate; 59727

(4) One member of the public, well-versed and with experience 59728
in the long-term care and nursing home industry, appointed by the 59729
governor. 59730

(B) Appointments to the commission shall be made not later 59731
than December 31, 2021. In the event of a vacancy, a replacement 59732
member shall be appointed in the same manner as initial 59733

appointments. Members shall serve without compensation. 59734

(C) The commission shall analyze the efficacy of all of the following: 59735
59736

(1) The current quality incentive payment formula under section 5165.26 of the Revised Code for efficacy; 59737
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(2) The nursing facility base rate calculation, as defined under section 5165.26 of the Revised Code; 59739
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(3) The nursing facility cost centers, which are redetermined as part of the rebasing process under section 5165.36 of the Revised Code. 59741
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(D) Not later than August 31, 2022, the commission shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, with its recommendations and determinations on whether the quality measures under section 5165.26 of the Revised Code are sufficient or whether the measures need to be changed. 59744
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Sec. 5165.36. (A) The department of medicaid shall conduct a rebasing at least once every five state fiscal years. When the department conducts a rebasing for a state fiscal year, it shall conduct the rebasing for each cost center. 59750
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(B) The department shall complete its next rebasing after the effective date of this amendment not later than June 30, 2022. That rebasing calculation shall be based on data provided by nursing facilities for calendar year 2019. 59754
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Sec. 5165.771. (A) As used in this section: 59758

(1) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 59759
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(2) "Special focus facility program" means the program 59762

conducted by the United States secretary of health and human 59763
services pursuant to the "Social Security Act," section 59764
1919(f)(10), 42 U.S.C. 1396r(f)(10). 59765

(3) "Table A" means the table included in the SFF list that 59766
identifies nursing facilities that are newly added to the SFF 59767
list. 59768

(4) "Table B" means the table included in the SFF list that 59769
identifies nursing facilities that have not improved. 59770

(5) "Table C" means the table included in the SFF list that 59771
identifies nursing facilities that have shown improvement. 59772

(6) "Table D" means the table included in the SFF list that 59773
identifies nursing facilities that have recently graduated from 59774
the special focus facility program. 59775

(B) The department of medicaid shall issue an order 59776
terminating a nursing facility's participation in the medicaid 59777
program if any of the following apply: 59778

(1) The nursing facility is ~~listed~~ placed in table A or table 59779
B ~~on the effective date of this section~~ and fails to be placed in 59780
table C not later than twelve months after ~~the effective date of~~ 59781
~~this section~~ the facility is placed in table A or table B. 59782

(2) The nursing facility is ~~listed~~ placed in table A, table 59783
B, or table C ~~on the effective date of this section~~ and fails to 59784
be placed in table D not later than twenty-four months after ~~the~~ 59785
~~effective date of this section~~ the facility is placed in table A, 59786
table B, or table C. 59787

(3) The nursing facility is placed in table A ~~after the~~ 59788
~~effective date of this section~~ and fails to be placed in table C 59789
not later than twelve months after the nursing facility is placed 59790
in table A. 59791

(4) The nursing facility is placed in table A ~~after the~~ 59792

~~effective date of this section~~ and fails to be placed in table D 59793
not later than twenty-four months after the nursing facility is 59794
placed in table A. 59795

(C) ~~An order issued under this section is not subject to~~ 59796
~~appeal~~ A nursing facility may appeal, under Chapter 119. of the 59797
Revised Code, the length of time the facility is listed in a table 59798
as described under division (B) of this section. The medicaid 59799
director shall adopt rules under section 5165.02 of the Revised 59800
Code as necessary to provide for an appeal under this division. 59801
Notwithstanding the timeframes listed in section 119.07 of the 59802
Revised Code, the rules may provide for an expedited appeal under 59803
this division. 59804

(D) ~~To~~ A nursing facility shall take all steps necessary to 59805
improve its quality of care to avoid having its participation in 59806
the medicaid program terminated pursuant to division (B) of this 59807
section. Technical assistance and quality improvement initiatives 59808
to help a nursing facility avoid having its participation in the 59809
medicaid program terminated pursuant to division (B) of this 59810
section, the department of aging shall provide the nursing 59811
facility technical assistance are available through the nursing 59812
home quality initiative established under section 173.60 of the 59813
Revised Code ~~at least four months before the department of~~ 59814
~~medicaid would be required to terminate the nursing facility's~~ 59815
~~participation or initiatives offered through a quality improvement~~ 59816
organization under contract with the United States secretary of 59817
health and human services to carry out in this state the functions 59818
described in section 1154 of the "Social Security Act," 42 U.S.C. 59819
1320c-3. 59820

Sec. 5166.01. As used in this chapter: 59821

"209(b) option" means the option described in section 1902(f) 59822
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 59823

medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" has the same meaning as in section 5167.01 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in

section 5124.01 of the Revised Code. 59854

"Integrated care delivery system" and "ICDS" have the same 59855
meanings as in section 5164.01 of the Revised Code. 59856

"Level of care determination" means a determination of 59857
whether an individual needs the level of care provided by a 59858
hospital, nursing facility, or ICF/IID and whether the individual, 59859
if determined to need that level of care, would receive hospital 59860
services, nursing facility services, or ICF/IID services if not 59861
for a home and community-based services medicaid waiver component. 59862

"Medicaid buy-in for workers with disabilities program" has 59863
the same meaning as in section 5163.01 of the Revised Code. 59864

"Medicaid MCO plan" has the same meaning as in section 59865
5167.01 of the Revised Code. 59866

"Medicaid provider" has the same meaning as in section 59867
5164.01 of the Revised Code. 59868

"Medicaid services" has the same meaning as in section 59869
5164.01 of the Revised Code. 59870

"Medicaid waiver component" means a component of the medicaid 59871
program authorized by a waiver granted by the United States 59872
department of health and human services under section 1115 or 1915 59873
of the "Social Security Act," ~~section 1115 or 1915,~~ 42 U.S.C. 1315 59874
or 1396n. "Medicaid waiver component" does not include the care 59875
management system or services delivered under a prepaid inpatient 59876
health plan, as defined in 42 C.F.R. 438.2. 59877

"Medically fragile child" means an individual who is under 59878
eighteen years of age, has intensive health care needs, and is 59879
considered blind or disabled under section 1614(a)(2) or (3) of 59880
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 59881

"Nursing facility" and "nursing facility services" have the 59882
same meanings as in section 5165.01 of the Revised Code. 59883

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5167.16. (A) As used in this section:

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code.

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b).

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings,

for which federal financial participation is available under the 59914
targeted case management benefit; 59915

(2) Cognitive behavioral therapy, provided by a community 59916
mental health services provider, that is determined to be 59917
medically necessary through a depression screening conducted as 59918
part of a home visit. 59919

(C) A medicaid recipient qualifies to receive the services 59920
specified in division (B) of this section if the medicaid 59921
recipient is enrolled in the help me grow program, enrolled in the 59922
medicaid managed care organization providing or arranging for the 59923
services, and is either pregnant or the birth mother of ~~an infant~~ 59924
~~or toddler~~ a child under ~~three~~ five years of age. 59925

(D) If requested by a medicaid recipient eligible for the 59926
cognitive behavioral therapy covered under division (B)(2) of this 59927
section, the therapy shall be provided in the recipient's home. 59928
The medicaid managed care organization shall inform the medicaid 59929
recipient of the right to make the request and how to make it. 59930

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 59931
Revised Code: 59932

(A) ~~"Franchise~~ Unless modified under division (C)(2) of 59933
section 5168.61 of the Revised Code, "franchise permit fee rate" 59934
means the following: 59935

(1) For fiscal year 2020, twenty-three dollars and 59936
ninety-five cents; 59937

(2) For fiscal year 2021 and each fiscal year thereafter, 59938
twenty-four dollars and eighty-nine cents. 59939

(B) "Indirect guarantee percentage" means the percentage 59940
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 59941
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 59942
whether a class of providers is indirectly held harmless for any 59943

portion of the costs of a broad-based health-care-related tax. If 59944
the indirect guarantee percentage changes during a fiscal year, 59945
the indirect guarantee percentage is the following: 59946

(1) For the part of the fiscal year before the change takes 59947
effect, the percentage in effect before the change; 59948

(2) For the part of the fiscal year beginning with the date 59949
the indirect guarantee percentage changes, the new percentage. 59950

(C) "ICF/IID" has the same meaning as in section 5124.01 of 59951
the Revised Code. 59952

(D) Except as provided in division (B) of section 5168.62 of 59953
the Revised Code, "inpatient days" has the same meaning as in 59954
section 5124.01 of the Revised Code. 59955

(E) "Medicaid-certified capacity" has the same meaning as in 59956
section 5124.01 of the Revised Code. 59957

(F) "Provider agreement" has the same meaning as in section 59958
5124.01 of the Revised Code. 59959

Sec. 5168.61. The department of developmental disabilities 59960
shall do all of the following: 59961

(A) Subject to section 5168.64 of the Revised Code and 59962
divisions (B) and (C) of this section and for the purposes 59963
specified in section 5168.69 of the Revised Code, quarterly assess 59964
each ICF/IID a franchise permit fee equal to the product of the 59965
following: 59966

(1) The franchise permit fee rate; 59967

(2) The number of the ICF/IID's inpatient days for the 59968
quarter as determined using the monthly reports submitted to the 59969
department under section 5168.62 of the Revised Code. 59970

(B) If the total amount of the franchise permit fee assessed 59971
under division (A) of this section for a fiscal year exceeds the 59972

indirect guarantee percentage of the actual net patient revenue 59973
for all ICFs/IID for that fiscal year and seventy-five per cent or 59974
more of the total number of ICFs/IID receive enhanced medicaid 59975
payments or other state payments equal to seventy-five per cent or 59976
more of their total franchise permit fee assessments, do both of 59977
the following: 59978

(1) Recalculate the assessments under division (A) of this 59979
section using a per inpatient day rate equal to the indirect 59980
guarantee percentage of actual net patient revenue for all 59981
ICFs/IID for that fiscal year; 59982

(2) Refund the difference between the total amount of the 59983
franchise permit fee assessed for that fiscal year under division 59984
(A) of this section and the amount recalculated under division 59985
(B)(1) of this section as a credit against the assessments imposed 59986
under division (A) of this section for the quarters of the 59987
subsequent fiscal year. 59988

(C)(1) If the United States secretary of health and human 59989
services determines that the franchise permit fee established by 59990
sections 5168.60 to 5168.71 of the Revised Code would be an 59991
impermissible health care-related tax under section 1903(w) of the 59992
"Social Security Act," 42 U.S.C. 1396b(w), take all necessary 59993
actions to cease implementation of those sections in accordance 59994
with rules adopted under section 5168.71 of the Revised Code. 59995

(2) If the United States secretary of health and human 59996
services adjusts the indirect guarantee percentage at any time 59997
during the fiscal year, adjust the franchise permit fee rate and 59998
associated ICF/IID invoices so as not to exceed the indirect 59999
guarantee percentage. 60000

Sec. 5301.13. All conveyances of real estate, or any interest 60001
therein, sold on behalf of the state, ~~with the exception of those 60002
agreements made pursuant to divisions (A), (B), (C), (D), and (E) 60003~~

~~of section 123.53 of the Revised Code,~~ shall be drafted by the 60004
~~auditor of state~~ director of administrative services, executed in 60005
the name of the state, signed by the governor, countersigned by 60006
the secretary of state, and sealed with the great seal of the 60007
state. The ~~auditor of state~~ director of administrative services 60008
thereupon must record such conveyance in books to be kept by ~~him~~ 60009
the director of administrative services for that purpose, deliver 60010
them to the persons entitled thereto, and keep a record of such 60011
delivery, showing to whom delivered and the date thereof. 60012

Sec. 5301.14. When a title deed, recorded by the ~~auditor of~~ 60013
~~state~~ director of administrative services as required by section 60014
5301.13 of the Revised Code, or recorded in the office of the 60015
secretary of state, the record of which is required to be kept in 60016
the office of the ~~auditor of state~~ director of administrative 60017
services, has been lost or destroyed by accident, without having 60018
been recorded in the county recorder's office, on demand and 60019
tender of the fees therefor, the ~~auditor of state~~ director of 60020
administrative services shall furnish to any person a copy of such 60021
deed certified under the ~~auditor of state's~~ director of 60022
administrative services' official seal, which copy shall be 60023
received everywhere in this state as prima-facie evidence of the 60024
existence of the deed, and in all respects shall have the effect 60025
of certified copies from the official records of the county where 60026
such lands are situated. 60027

Sec. 5301.15. When a deed executed for land purchase from the 60028
state is lost or destroyed, or when a person who has an interest 60029
in such land, by the use of diligence cannot find it, and no 60030
record exists from which a certified copy can be made to supply 60031
the evidence of such deed, or when a certificate of the purchase 60032
of land sold at a land office of this state, or any other 60033
contract, bond, or memorandum evidencing a purchase of land has 60034

been lost or destroyed, or when from any cause the owner of such 60035
land, by the use of diligence, cannot find such certificate, 60036
contract, bond, or memorandum, the governor, when satisfied that 60037
the original purchase money for such land has been fully paid, 60038
shall execute a deed therefor in the name of the original 60039
purchaser which must recite the facts authorizing its making. Such 60040
deed shall be recorded in the office of the ~~auditor of state~~ 60041
director of administrative services who shall transmit it to the 60042
present claimant. 60043

Such deed has the same effect as the original deed, had it 60044
been preserved and recorded, or as a deed would have had, made to 60045
the original purchaser upon the date of the full payment of the 60046
purchase money. 60047

Sec. 5301.18. All deeds executed under sections 5301.15, 60048
5301.16, and 5301.17 of the Revised Code must recite the facts, as 60049
ascertained by the governor and attorney general, upon the proof 60050
of which they are executed, and shall be recorded in the office of 60051
the ~~auditor of state~~ director of administrative services. 60052

Sec. 5301.21. When the owners of adjoining tracts of land, or 60053
of lots in a municipal corporation, agree upon the site of a 60054
corner or line common to such tracts or lots, in a written 60055
instrument containing a pertinent description thereof, either with 60056
or without a plat, executed, acknowledged, and recorded as are 60057
deeds, such corner or line thenceforth shall be established as 60058
between the parties to such agreement, and all persons 60059
subsequently deriving title from them. 60060

Such agreement shall be recorded by the county recorder in 60061
the official records. The original agreement, after being so 60062
recorded, or a certified copy thereof from the record, is 60063
competent evidence in any court in this state against a party 60064

thereto, or person in privity with a party. 60065

When a tract of land is owned by the state, the officer or 60066
board having administrative control thereof, with the approval of 60067
the attorney general, may execute said written instrument and 60068
following recording in the county where the land is situated, said 60069
instrument shall be filed with the ~~auditor of state~~ director of 60070
administrative services with the evidence of title to the land 60071
affected. 60072

Sec. 5501.332. Upon the occurrence of the condition stated in 60073
a deed pursuant to division (C) of section 5501.331 of the Revised 60074
Code, the director of transportation shall prepare and issue a 60075
certification of the occurrence to the grantor or ~~his~~ the 60076
grantor's successors or assigns, the governor, and the ~~auditor of~~ 60077
~~state~~ director of administrative services. 60078

Upon receipt of the certification, the ~~auditor of state~~ 60079
director of administrative services, with the assistance of the 60080
attorney general, shall prepare a deed releasing the property 60081
donated under section 5501.33 of the Revised Code to the grantor 60082
or ~~his~~ the grantor's successors or assigns. The deed shall declare 60083
the occurrence of the condition and the consequent reversion. The 60084
deed shall be executed by the governor, countersigned by the 60085
secretary of state, recorded in the office of the ~~auditor of state~~ 60086
director of administrative services, and delivered to the grantor 60087
or ~~his~~ the grantor's successors or assigns. 60088

Sec. 5502.14. (A) As used in this section, "felony" has the 60089
same meaning as in section 109.511 of the Revised Code. 60090

(B)(1) Any person who is employed by the department of public 60091
safety and designated by the director of public safety to enforce 60092
Title XLIII of the Revised Code, the rules adopted under it, 60093
section 2927.02 of the Revised Code, and the laws and rules 60094

regulating the use of supplemental nutrition assistance program 60095
benefits shall be known as an enforcement agent. The employment by 60096
the department of public safety and the designation by the 60097
director of public safety of a person as an enforcement agent 60098
shall be subject to division (D) of this section. An enforcement 60099
agent has the authority vested in peace officers pursuant to 60100
section 2935.03 of the Revised Code to keep the peace, to enforce 60101
all applicable laws and rules on any retail liquor permit 60102
premises, or on any other premises of public or private property, 60103
where a violation of Title XLIII of the Revised Code or any rule 60104
adopted under it is occurring, to enforce section 2927.02 of the 60105
Revised Code wherever the violation occurs, and to enforce all 60106
laws and rules governing the use of supplemental nutrition 60107
assistance program benefits, women, infants, and children's 60108
coupons, electronically transferred benefits, or any other access 60109
device that is used alone or in conjunction with another access 60110
device to obtain payments, allotments, benefits, money, goods, or 60111
other things of value, or that can be used to initiate a transfer 60112
of funds, pursuant to the supplemental nutrition assistance 60113
program established under the Food and Nutrition Act of 2008 (7 60114
U.S.C. 2011 et seq.) or any supplemental food program administered 60115
by any department of this state pursuant to the "Child Nutrition 60116
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, 60117
in enforcing compliance with the laws and rules described in this 60118
division, may keep the peace and make arrests for violations of 60119
those laws and rules. 60120

(2) In addition to the authority conferred by division (B)(1) 60121
of this section, an enforcement agent also may execute search 60122
warrants and seize and take into custody any contraband, as 60123
defined in section 2901.01 of the Revised Code, or any property 60124
that is otherwise necessary for evidentiary purposes related to 60125
any violations of the laws or rules described in division (B)(1) 60126
of this section. An enforcement agent may enter public or private 60127

premises where activity alleged to violate the laws or rules 60128
described in division (B)(1) of this section is occurring. 60129

(3) Enforcement agents who are on, immediately adjacent to, 60130
or across from retail liquor permit premises and who are 60131
performing investigative duties relating to that premises, 60132
enforcement agents who are on premises that are not liquor permit 60133
premises but on which a violation of Title XLIII of the Revised 60134
Code or any rule adopted under it allegedly is occurring, ~~and~~ 60135
enforcement agents who view a suspected violation of Title XLIII 60136
of the Revised Code, of a rule adopted under it, and enforcement 60137
agents investigating a violation of section 2927.02 of the Revised 60138
Code or of another law or rule described in division (B)(1) of 60139
this section have the authority to enforce the laws and rules 60140
described in division (B)(1) of this section, authority to enforce 60141
any section in Title XXIX of the Revised Code or any other section 60142
of the Revised Code listed in section 5502.13 of the Revised Code 60143
if they witness a violation of the section under any of the 60144
circumstances described in this division, and authority to make 60145
arrests for violations of the laws and rules described in division 60146
(B)(1) of this section and violations of any of those sections. 60147

(4) The jurisdiction of an enforcement agent under division 60148
(B) of this section shall be concurrent with that of the peace 60149
officers of the county, township, or municipal corporation in 60150
which the violation occurs. 60151

(C) Enforcement agents of the department of public safety who 60152
are engaged in the enforcement of the laws and rules described in 60153
division (B)(1) of this section may carry concealed weapons when 60154
conducting undercover investigations pursuant to their authority 60155
as law enforcement officers and while acting within the scope of 60156
their authority pursuant to this chapter. 60157

(D)(1) The department of public safety shall not employ, and 60158
the director of public safety shall not designate, a person as an 60159

enforcement agent on a permanent basis, on a temporary basis, for 60160
a probationary term, or on other than a permanent basis if the 60161
person previously has been convicted of or has pleaded guilty to a 60162
felony. 60163

(2)(a) The department of public safety shall terminate the 60164
employment of a person who is designated as an enforcement agent 60165
and who does either of the following: 60166

(i) Pleads guilty to a felony; 60167

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 60168
plea agreement as provided in division (D) of section 2929.43 of 60169
the Revised Code in which the enforcement agent agrees to 60170
surrender the certificate awarded to that agent under section 60171
109.77 of the Revised Code. 60172

(b) The department shall suspend the employment of a person 60173
who is designated as an enforcement agent if the person is 60174
convicted, after trial, of a felony. If the enforcement agent 60175
files an appeal from that conviction and the conviction is upheld 60176
by the highest court to which the appeal is taken or if no timely 60177
appeal is filed, the department shall terminate the employment of 60178
that agent. If the enforcement agent files an appeal that results 60179
in that agent's acquittal of the felony or conviction of a 60180
misdemeanor, or in the dismissal of the felony charge against the 60181
agent, the department shall reinstate the agent. An enforcement 60182
agent who is reinstated under division (D)(2)(b) of this section 60183
shall not receive any back pay unless the conviction of that agent 60184
of the felony was reversed on appeal, or the felony charge was 60185
dismissed, because the court found insufficient evidence to 60186
convict the agent of the felony. 60187

(3) Division (D) of this section does not apply regarding an 60188
offense that was committed prior to January 1, 1997. 60189

(4) The suspension or termination of the employment of a 60190

person designated as an enforcement agent under division (D)(2) of 60191
this section shall be in accordance with Chapter 119. of the 60192
Revised Code. 60193

Sec. 5502.30. (A) The state, any political subdivision, any 60194
municipal agency, any emergency management volunteer, another 60195
state, or an emergency management agency thereof or of the federal 60196
government or of another country or province or subdivision 60197
thereof performing emergency management services in this state 60198
pursuant to an arrangement, agreement, or compact for mutual aid 60199
and assistance, or any agency, member, agent, or representative of 60200
any of them, or any individual, partnership, corporation, 60201
association, trustee, or receiver, or any of the agents thereof, 60202
in good faith carrying out, complying with, or attempting to 60203
comply with any state or federal law or any arrangement, 60204
agreement, or compact for mutual aid and assistance, or any order 60205
issued by federal or state military authorities relating to 60206
emergency management, is not liable for any injury to or death of 60207
persons or damage to property as the result thereof during 60208
training periods, test periods, practice periods, or other 60209
emergency management operations, or false alerts, as well as 60210
during any hazard, actual or imminent, and subsequent to the same 60211
except in cases of willful misconduct. As used in this division, 60212
"emergency management volunteer" means only an individual who is 60213
authorized to assist any agency performing emergency management 60214
during a hazard. 60215

(B) The state, any political subdivision, any individual, 60216
partnership, corporation, association, trustee, or receiver, or 60217
any agent, agency, representative, officer, or employee of any of 60218
them that owns, maintains, occupies, operates, or controls all or 60219
part of any building, structure, or premises shall not be liable 60220
for any injury or death sustained by any person or damage caused 60221
to any property while that person or property is in the building, 60222

structure, or premises for duty, training, or shelter purposes 60223
during a hazard, drill, test, or false warning, or is entering 60224
therein for such purposes or departing therefrom, or for any 60225
injury, death, or property damage as the result of any condition 60226
in or on the building, structure, or premises or of any act or 60227
omission with respect thereto, except a willful act intended to 60228
cause injury or damage. 60229

(C) Any employee of a political subdivision of this state 60230
that is rendering aid in another state is considered an officer or 60231
employee of the state for purposes of the immunity established 60232
under Article VI of the emergency management assistance compact 60233
enacted under section 5502.40 of the Revised Code. Nothing in this 60234
division entitles an employee of a political subdivision to any 60235
other right or benefit of a state employee. 60236

(D) This section does not affect the right of any person to 60237
receive benefits to which ~~he~~ the person may be entitled under 60238
Chapter 4123. of the Revised Code or any pension law, nor the 60239
rights of any person to receive any benefits or compensation under 60240
any act of congress or under any law of this state. 60241

Sec. 5701.11. The effective date to which this section refers 60242
is the effective date of this section as amended by H.B. 197 of 60243
the 133rd general assembly. 60244

(A)(1) Except as provided under division (A)(2) or (B) of 60245
this section, any reference in Title LVII or sections 3123.90, 60246
3770.073, or 3772.37 of the Revised Code to the Internal Revenue 60247
Code, to the Internal Revenue Code "as amended," to other laws of 60248
the United States, or to other laws of the United States, "as 60249
amended," means the Internal Revenue Code or other laws of the 60250
United States as they exist on the effective date. 60251

(2) This section does not apply to any reference in Title 60252
LVII of the Revised Code to the Internal Revenue Code as of a date 60253

certain specifying the day, month, and year, or to other laws of 60254
the United States as of a date certain specifying the day, month, 60255
and year. 60256

(B)(1) For purposes of applying section 5733.04, 5745.01, or 60257
5747.01 of the Revised Code to a taxpayer's taxable year ending 60258
after March 30, 2018, and before the effective date, a taxpayer 60259
may irrevocably elect to incorporate the provisions of the 60260
Internal Revenue Code or other laws of the United States that are 60261
in effect for federal income tax purposes for that taxable year if 60262
those provisions differ from the provisions that, under division 60263
(A) of this section, would otherwise apply. The filing by the 60264
taxpayer for that taxable year of a report or return that 60265
incorporates the provisions of the Internal Revenue Code or other 60266
laws of the United States applicable for federal income tax 60267
purposes for that taxable year, and that does not include any 60268
adjustments to reverse the effects of any differences between 60269
those provisions and the provisions that would otherwise apply, 60270
constitutes the making of an irrevocable election under this 60271
division for that taxable year. 60272

(2) Elections under prior versions of division (B)(1) of this 60273
section remain in effect for the taxable years to which they 60274
apply. 60275

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 60276
of this section, no agent of the department of taxation, except in 60277
the agent's report to the department or when called on to testify 60278
in any court or proceeding, shall divulge any information acquired 60279
by the agent as to the transactions, property, or business of any 60280
person while acting or claiming to act under orders of the 60281
department. Whoever violates this provision shall thereafter be 60282
disqualified from acting as an officer or employee or in any other 60283
capacity under appointment or employment of the department. 60284

60285

(B)(1) For purposes of an audit pursuant to section 117.15 of 60286
the Revised Code, or an audit of the department pursuant to 60287
Chapter 117. of the Revised Code, or an audit, pursuant to that 60288
chapter, the objective of which is to express an opinion on a 60289
financial report or statement prepared or issued pursuant to 60290
division (A)(7) or (9) of section 126.21 of the Revised Code, the 60291
officers and employees of the auditor of state charged with 60292
conducting the audit shall have access to and the right to examine 60293
any state tax returns and state tax return information in the 60294
possession of the department to the extent that the access and 60295
examination are necessary for purposes of the audit. Any 60296
information acquired as the result of that access and examination 60297
shall not be divulged for any purpose other than as required for 60298
the audit or unless the officers and employees are required to 60299
testify in a court or proceeding under compulsion of legal 60300
process. Whoever violates this provision shall thereafter be 60301
disqualified from acting as an officer or employee or in any other 60302
capacity under appointment or employment of the auditor of state. 60303

(2) For purposes of an internal audit pursuant to section 60304
126.45 of the Revised Code, the officers and employees of the 60305
office of internal audit in the office of budget and management 60306
charged with directing the internal audit shall have access to and 60307
the right to examine any state tax returns and state tax return 60308
information in the possession of the department to the extent that 60309
the access and examination are necessary for purposes of the 60310
internal audit. Any information acquired as the result of that 60311
access and examination shall not be divulged for any purpose other 60312
than as required for the internal audit or unless the officers and 60313
employees are required to testify in a court or proceeding under 60314
compulsion of legal process. Whoever violates this provision shall 60315
thereafter be disqualified from acting as an officer or employee 60316

or in any other capacity under appointment or employment of the 60317
office of internal audit. 60318

(3) As provided by section 6103(d)(2) of the Internal Revenue 60319
Code, any federal tax returns or federal tax information that the 60320
department has acquired from the internal revenue service, through 60321
federal and state statutory authority, may be disclosed to the 60322
auditor of state or the office of internal audit solely for 60323
purposes of an audit of the department. 60324

(4) For purposes of Chapter 3739. of the Revised Code, an 60325
agent of the department of taxation may share information with the 60326
division of state fire marshal that the agent finds during the 60327
course of an investigation. 60328

(C) Division (A) of this section does not prohibit any of the 60329
following: 60330

(1) Divulging information contained in applications, 60331
complaints, and related documents filed with the department under 60332
section 5715.27 of the Revised Code or in applications filed with 60333
the department under section 5715.39 of the Revised Code; 60334

(2) Providing information to the office of child support 60335
within the department of job and family services pursuant to 60336
section 3125.43 of the Revised Code; 60337

(3) Disclosing to the motor vehicle repair board any 60338
information in the possession of the department that is necessary 60339
for the board to verify the existence of an applicant's valid 60340
vendor's license and current state tax identification number under 60341
section 4775.07 of the Revised Code; 60342

(4) Providing information to the administrator of workers' 60343
compensation pursuant to sections 4123.271 and 4123.591 of the 60344
Revised Code; 60345

(5) Providing to the attorney general information the 60346

department obtains under division (J) of section 1346.01 of the Revised Code; 60347
60348

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 60349
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 60353
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 60361
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(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 60363
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60367

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 60368
60369

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 60370
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(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the 60375
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taxpayer's compliance with section 5749.02 of the Revised Code or 60378
to allow the department of natural resources to enforce Chapter 60379
1509. of the Revised Code; 60380

(13) Disclosing to the department of job and family services, 60381
industrial commission, and bureau of workers' compensation 60382
information in the possession of the department of taxation solely 60383
for the purpose of identifying employers that misclassify 60384
employees as independent contractors or that fail to properly 60385
report and pay employer tax liabilities. The department of 60386
taxation shall disclose only such information that is necessary to 60387
verify employer compliance with law administered by those 60388
agencies. 60389

(14) Disclosing to the Ohio casino control commission 60390
information in the possession of the department of taxation that 60391
is necessary to verify a casino operator's compliance with section 60392
5747.063 or 5753.02 of the Revised Code and sections related 60393
thereto; 60394

(15) Disclosing to the state lottery commission information 60395
in the possession of the department of taxation that is necessary 60396
to verify a lottery sales agent's compliance with section 5747.064 60397
of the Revised Code. 60398

(16) Disclosing to the department of development services 60399
~~agency~~ information in the possession of the department of taxation 60400
that is necessary to ensure compliance with the laws of this state 60401
governing taxation and to verify information reported to the 60402
department of development services ~~agency~~ for the purpose of 60403
evaluating potential tax credits, deductions, grants, or loans. 60404
Such information shall not include information received from the 60405
internal revenue service the disclosure of which is prohibited by 60406
section 6103 of the Internal Revenue Code. No officer, employee, 60407
or agent of the department of development services ~~agency~~ shall 60408
disclose any information provided to the department of development 60409

~~services agency~~ by the department of taxation under division 60410
(C)(16) of this section except when disclosure of the information 60411
is necessary for, and made solely for the purpose of facilitating, 60412
the evaluation of potential tax credits, deductions, grants, or 60413
loans. 60414

(17) Disclosing to the department of insurance information in 60415
the possession of the department of taxation that is necessary to 60416
ensure a taxpayer's compliance with the requirements with any tax 60417
credit administered by the department of development ~~services~~ 60418
~~agency~~ and claimed by the taxpayer against any tax administered by 60419
the superintendent of insurance. No officer, employee, or agent of 60420
the department of insurance shall disclose any information 60421
provided to the department of insurance by the department of 60422
taxation under division (C)(17) of this section. 60423

(18) Disclosing to the division of liquor control information 60424
in the possession of the department of taxation that is necessary 60425
for the division and department to comply with the requirements of 60426
sections 4303.26 and 4303.271 of the Revised Code. 60427

(19) Disclosing to the department of education, upon that 60428
department's request, information in the possession of the 60429
department of taxation that is necessary only to verify whether 60430
the family income of a student applying for or receiving a 60431
scholarship under the educational choice scholarship pilot program 60432
is equal to, less than, or greater than the income thresholds 60433
prescribed by section 3310.02 or 3310.032 of the Revised Code. The 60434
department of education shall provide sufficient information about 60435
the student and the student's family to enable the department of 60436
taxation to make the verification. 60437

(20) Disclosing to the state racing commission information in 60438
the possession of the department of taxation that is necessary for 60439
verification of compliance with and for enforcement and 60440
administration of the taxes levied by Chapter 3769. of the Revised 60441

Code. Such information shall include information that is necessary 60442
for the state racing commission to verify compliance with Chapter 60443
3769. of the Revised Code for the purposes of issuance, denial, 60444
suspension, or revocation of a permit pursuant to section 3769.03 60445
or 3769.06 of the Revised Code and related sections. Unless 60446
disclosure is otherwise authorized by law, information provided to 60447
the state racing commission under this section shall remain 60448
confidential and is not subject to public disclosure pursuant to 60449
section 3769.041 of the Revised Code. 60450

Sec. 5703.70. (A) On the filing of an application for refund 60451
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 60452
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 60453
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 60454
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 60455
of the Revised Code, or an application for compensation under 60456
section 5739.061 of the Revised Code, if the tax commissioner 60457
determines that the amount of the refund or compensation to which 60458
the applicant is entitled is less than the amount claimed in the 60459
application, the commissioner shall give the applicant written 60460
notice by ordinary mail of the amount. The notice shall be sent to 60461
the address shown on the application unless the applicant notifies 60462
the commissioner of a different address. The applicant shall have 60463
sixty days from the date the commissioner mails the notice to 60464
provide additional information to the commissioner or request a 60465
hearing, or both. 60466

(B) If the applicant neither requests a hearing nor provides 60467
additional information to the tax commissioner within the time 60468
prescribed by division (A) of this section, the commissioner shall 60469
take no further action, and the refund or compensation amount 60470
denied becomes final. 60471

(C)(1) If the applicant requests a hearing within the time 60472

prescribed by division (A) of this section, the tax commissioner 60473
shall assign a time and place for the hearing and notify the 60474
applicant of such time and place, but the commissioner may 60475
continue the hearing from time to time, as necessary. After the 60476
hearing, the commissioner may make such adjustments to the refund 60477
or compensation as the commissioner finds proper, and shall issue 60478
a final determination thereon. 60479

(2) If the applicant does not request a hearing, but provides 60480
additional information, within the time prescribed by division (A) 60481
of this section, the commissioner shall review the information, 60482
make such adjustments to the refund or compensation as the 60483
commissioner finds proper, and issue a final determination 60484
thereon. The commissioner may review such information and make 60485
such adjustments as many times as the commissioner finds proper 60486
before the issuance of a final determination. 60487

(3) If the applicant requests a hearing and provides 60488
additional information within the time prescribed by division (A) 60489
of this section, the commissioner may review the information and 60490
make such adjustments to the refund or compensation as the 60491
commissioner finds proper. The commissioner may review such 60492
information and make such adjustments as many times as the 60493
commissioner finds proper before the issuance of a final 60494
determination. 60495

The commissioner shall assign a time and place for the 60496
hearing and notify the applicant of such time and place, but the 60497
commissioner may continue the hearing from time to time, as 60498
necessary. After the hearing, the commissioner may make any 60499
additional adjustments to the refund or compensation as the 60500
commissioner finds proper and shall issue a final determination 60501
thereon. 60502

(4) The commissioner shall serve a copy of the final 60503
determination made under division (C)(1) ~~or~~, (2), or (3) of this 60504

section on the applicant in the manner provided in section 5703.37 60505
of the Revised Code, and the decision is final, subject to appeal 60506
under section 5717.02 of the Revised Code. 60507

(D) The tax commissioner shall certify to the director of 60508
budget and management and treasurer of state for payment from the 60509
tax refund fund created by section 5703.052 of the Revised Code, 60510
the amount of the refund to be refunded under division (B) or (C) 60511
of this section. The commissioner also shall certify to the 60512
director and treasurer of state for payment from the general 60513
revenue fund the amount of compensation to be paid under division 60514
(B) or (C) of this section. 60515

Sec. 5705.16. A resolution of the taxing authority of any 60516
political subdivision shall be passed by a majority of all the 60517
members thereof, declaring the necessity for the transfer of funds 60518
authorized by section 5705.15 of the Revised Code, and such taxing 60519
authority shall submit to the tax commissioner a petition that 60520
includes the name and amount of the fund, the fund to which it is 60521
desired to be transferred, a copy of such resolution with a full 60522
statement of the proceedings pertaining to its passage, and the 60523
reason or necessity for the transfer. The commissioner shall 60524
approve the transfer of such funds upon determining each of the 60525
following: 60526

(A) The petition states sufficient facts; 60527

(B) That there are good reasons, or that a necessity exists, 60528
for the transfer; 60529

(C) No injury will result from the transfer of such funds. 60530

If the petition is disapproved by the commissioner, it shall 60531
be returned within ~~ten~~ thirty days of its receipt to the officers 60532
who submitted it, with a memorandum of the commissioner's 60533
objections, and the taxing authority shall not transfer the funds 60534

as requested by the petition. This disapproval shall not prejudice 60535
a later application for approval. If the petition is approved by 60536
the commissioner, it shall be returned within ~~ten~~ thirty days of 60537
its receipt to the officers who submitted it, and the taxing 60538
authority may transfer the funds as requested by the petition. 60539

Sec. 5705.19. This section does not apply to school 60540
districts, county school financing districts, or lake facilities 60541
authorities. 60542

The taxing authority of any subdivision at any time and in 60543
any year, by vote of two-thirds of all the members of the taxing 60544
authority, may declare by resolution and certify the resolution to 60545
the board of elections not less than ninety days before the 60546
election upon which it will be voted that the amount of taxes that 60547
may be raised within the ten-mill limitation will be insufficient 60548
to provide for the necessary requirements of the subdivision and 60549
that it is necessary to levy a tax in excess of that limitation 60550
for any of the following purposes: 60551

(A) For current expenses of the subdivision, except that the 60552
total levy for current expenses of a detention facility district 60553
or district organized under section 2151.65 of the Revised Code 60554
shall not exceed two mills and that the total levy for current 60555
expenses of a combined district organized under sections 2151.65 60556
and 2152.41 of the Revised Code shall not exceed four mills; 60557

(B) For the payment of debt charges on certain described 60558
bonds, notes, or certificates of indebtedness of the subdivision 60559
issued subsequent to January 1, 1925; 60560

(C) For the debt charges on all bonds, notes, and 60561
certificates of indebtedness issued and authorized to be issued 60562
prior to January 1, 1925; 60563

(D) For a public library of, or supported by, the subdivision 60564

under whatever law organized or authorized to be supported; 60565

(E) For a municipal university, not to exceed two mills over 60566
the limitation of one mill prescribed in section 3349.13 of the 60567
Revised Code; 60568

(F) For the construction or acquisition of any specific 60569
permanent improvement or class of improvements that the taxing 60570
authority of the subdivision may include in a single bond issue; 60571

(G) For the general construction, reconstruction, 60572
resurfacing, and repair of streets, roads, and bridges in 60573
municipal corporations, counties, or townships; 60574

(H) For parks and recreational purposes; 60575

(I) For providing and maintaining fire apparatus, mechanical 60576
resuscitators, underwater rescue and recovery equipment, or other 60577
fire equipment and appliances, buildings and sites therefor, or 60578
sources of water supply and materials therefor, for the 60579
establishment and maintenance of lines of fire-alarm 60580
communications, for the payment of firefighting companies or 60581
permanent, part-time, or volunteer firefighting, emergency medical 60582
service, administrative, or communications personnel to operate 60583
the same, including the payment of any employer contributions 60584
required for such personnel under section 145.48 or 742.34 of the 60585
Revised Code, for the purchase of ambulance equipment, for the 60586
provision of ambulance, paramedic, or other emergency medical 60587
services operated by a fire department or firefighting company, or 60588
for the payment of other related costs; 60589

(J) For providing and maintaining motor vehicles, 60590
communications, other equipment, buildings, and sites for such 60591
buildings used directly in the operation of a police department, 60592
for the payment of salaries of permanent or part-time police, 60593
communications, or administrative personnel to operate the same, 60594
including the payment of any employer contributions required for 60595

such personnel under section 145.48 or 742.33 of the Revised Code, 60596
for the payment of the costs incurred by townships as a result of 60597
contracts made with other political subdivisions in order to 60598
obtain police protection, for the provision of ambulance or 60599
emergency medical services operated by a police department, or for 60600
the payment of other related costs; 60601

(K) For the maintenance and operation of a county home or 60602
detention facility; 60603

(L) For community developmental disabilities programs and 60604
services pursuant to Chapter 5126. of the Revised Code, except 60605
that such levies shall be subject to the procedures and 60606
requirements of section 5705.222 of the Revised Code; 60607

(M) For regional planning; 60608

(N) For a county's share of the cost of maintaining and 60609
operating schools, district detention facilities, forestry camps, 60610
or other facilities, or any combination thereof, established under 60611
section 2151.65 or 2152.41 of the Revised Code or both of those 60612
sections; 60613

(O) For providing for flood defense, providing and 60614
maintaining a flood wall or pumps, and other purposes to prevent 60615
floods; 60616

(P) For maintaining and operating sewage disposal plants and 60617
facilities; 60618

(Q) For the purpose of purchasing, acquiring, constructing, 60619
enlarging, improving, equipping, repairing, maintaining, or 60620
operating, or any combination of the foregoing, a county transit 60621
system pursuant to sections 306.01 to 306.13 of the Revised Code, 60622
or of making any payment to a board of county commissioners 60623
operating a transit system or a county transit board pursuant to 60624
section 306.06 of the Revised Code; 60625

(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	60626 60627 60628 60629
(S) For the prevention, control, and abatement of air pollution;	60630 60631
(T) For maintaining and operating cemeteries;	60632
(U) For providing ambulance service, emergency medical service, or both;	60633 60634
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	60635 60636
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	60637 60638 60639
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	60640 60641
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	60642 60643 60644
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	60645 60646 60647
(AA) For the maintenance and operation of a free public museum of art, science, or history;	60648 60649
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code;	60650 60651
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division	60652 60653 60654 60655

applies only to a county, township, or municipal corporation. 60656

(DD) For the purpose of acquiring property for, constructing, 60657
operating, and maintaining community centers as provided for in 60658
section 755.16 of the Revised Code; 60659

(EE) For the creation and operation of an office or joint 60660
office of economic development, for any economic development 60661
purpose of the office, and to otherwise provide for the 60662
establishment and operation of a program of economic development 60663
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 60664
the extent that the expenses of a county land reutilization 60665
corporation organized under Chapter 1724. of the Revised Code are 60666
found by the board of county commissioners to constitute the 60667
promotion of economic development, for the payment of such 60668
operations and expenses; 60669

(FF) For the purpose of acquiring, establishing, 60670
constructing, improving, equipping, maintaining, or operating, or 60671
any combination of the foregoing, a township airport, landing 60672
field, or other air navigation facility pursuant to section 505.15 60673
of the Revised Code; 60674

(GG) For the payment of costs incurred by a township as a 60675
result of a contract made with a county pursuant to section 60676
505.263 of the Revised Code in order to pay all or any part of the 60677
cost of constructing, maintaining, repairing, or operating a water 60678
supply improvement; 60679

(HH) For a board of township trustees to acquire, other than 60680
by appropriation, an ownership interest in land, water, or 60681
wetlands, or to restore or maintain land, water, or wetlands in 60682
which the board has an ownership interest, not for purposes of 60683
recreation, but for the purposes of protecting and preserving the 60684
natural, scenic, open, or wooded condition of the land, water, or 60685
wetlands against modification or encroachment resulting from 60686

occupation, development, or other use, which may be styled as 60687
protecting or preserving "greenspace" in the resolution, notice of 60688
election, or ballot form. Except as otherwise provided in this 60689
division, land is not acquired for purposes of recreation, even if 60690
the land is used for recreational purposes, so long as no 60691
building, structure, or fixture used for recreational purposes is 60692
permanently attached or affixed to the land. Except as otherwise 60693
provided in this division, land that previously has been acquired 60694
in a township for these greenspace purposes may subsequently be 60695
used for recreational purposes if the board of township trustees 60696
adopts a resolution approving that use and no building, structure, 60697
or fixture used for recreational purposes is permanently attached 60698
or affixed to the land. The authorization to use greenspace land 60699
for recreational use does not apply to land located in a township 60700
that had a population, at the time it passed its first greenspace 60701
levy, of more than thirty-eight thousand within a county that had 60702
a population, at that time, of at least eight hundred sixty 60703
thousand. 60704

(II) For the support by a county of a crime victim assistance 60705
program that is provided and maintained by a county agency or a 60706
private, nonprofit corporation or association under section 307.62 60707
of the Revised Code; 60708

(JJ) For any or all of the purposes set forth in divisions 60709
(I) and (J) of this section. This division applies only to a 60710
municipal corporation or a township. 60711

(KK) For a countywide public safety communications system 60712
under section 307.63 of the Revised Code. This division applies 60713
only to counties. 60714

(LL) For the support by a county of criminal justice services 60715
under section 307.45 of the Revised Code; 60716

(MM) For the purpose of maintaining and operating a jail or 60717

other detention facility as defined in section 2921.01 of the Revised Code; 60718
60719

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county. 60720
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(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements; 60726
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(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. 60730
60731

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township. 60732
60733

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements. 60734
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(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county. 60739
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(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 60741
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(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is 60744
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organized; 60748

(VV) For construction and maintenance of improvements and 60749
expenses of soil and water conservation district programs under 60750
Chapter 940. of the Revised Code; 60751

(WW) For the OSU extension fund created under section 3335.35 60752
of the Revised Code for the purposes prescribed under section 60753
3335.36 of the Revised Code for the benefit of the citizens of a 60754
county. This division applies only to a county. 60755

(XX) For a municipal corporation that withdraws or proposes 60756
by resolution to withdraw from a regional transit authority under 60757
section 306.55 of the Revised Code to provide transportation 60758
services for the movement of persons within, from, or to the 60759
municipal corporation; 60760

(YY) For any combination of the purposes specified in 60761
divisions (NN), (VV), and (WW) of this section. This division 60762
applies only to a county. 60763

(ZZ) For any combination of the following purposes: the 60764
acquisition, construction, improvement, or maintenance of 60765
buildings, equipment, and supplies for police, firefighting, or 60766
emergency medical services; the construction, reconstruction, 60767
resurfacing, or repair of streets, roads, and bridges; or for 60768
general infrastructure projects. This division applies only to a 60769
township or municipal corporation. 60770

(AAA) For any combination of the purposes specified in 60771
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 60772
section, for the acquisition, construction or maintenance of 60773
county facilities, or for the acquisition of or improvements to 60774
land. This division applies only to a county. 60775

The resolution shall be confined to the purpose or purposes 60776
described in one division of this section, to which the revenue 60777
derived therefrom shall be applied. The existence in any other 60778

division of this section of authority to levy a tax for any part 60779
or all of the same purpose or purposes does not preclude the use 60780
of such revenues for any part of the purpose or purposes of the 60781
division under which the resolution is adopted. 60782

The resolution shall specify the amount of the increase in 60783
rate that it is necessary to levy, the purpose of that increase in 60784
rate, and the number of years during which the increase in rate 60785
shall be in effect, which may or may not include a levy upon the 60786
duplicate of the current year. The number of years may be any 60787
number not exceeding five, except as follows: 60788

(1) When the additional rate is for the payment of debt 60789
charges, the increased rate shall be for the life of the 60790
indebtedness. 60791

(2) When the additional rate is for any of the following, the 60792
increased rate shall be for a continuing period of time: 60793

(a) For the current expenses for a detention facility 60794
district, a district organized under section 2151.65 of the 60795
Revised Code, or a combined district organized under sections 60796
2151.65 and 2152.41 of the Revised Code; 60797

(b) For providing a county's share of the cost of maintaining 60798
and operating schools, district detention facilities, forestry 60799
camps, or other facilities, or any combination thereof, 60800
established under section 2151.65 or 2152.41 of the Revised Code 60801
or under both of those sections. 60802

(3) When the additional rate is for either of the following, 60803
the increased rate may be for a continuing period of time: 60804

(a) For the purposes set forth in division (I), (J), (U), 60805
~~(JJ)~~, or (KK) of this section; 60806

(b) For the maintenance and operation of a joint recreation 60807
district. 60808

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the increase is for the purpose set forth in division (ZZ) or (AAA) of this section, the tax levy may be for any number of years not exceeding ten.

A levy for one of the purposes set forth in division (G), (I), (J), ~~or (U)~~, or (JJ) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), ~~or (U)~~, or (JJ) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems,

the tax may be in effect for any number of years not exceeding 60841
twenty, and the proceeds of the tax, notwithstanding the general 60842
provisions of this section, may be used to pay debt charges on any 60843
obligations issued and outstanding on behalf of the subdivision 60844
for the purposes enumerated in this paragraph, provided that any 60845
such obligations have been specifically described in the 60846
resolution. 60847

A resolution adopted by the legislative authority of a 60848
municipal corporation that is for the purpose in division (XX) of 60849
this section may be combined with the purpose provided in section 60850
306.55 of the Revised Code, by vote of two-thirds of all members 60851
of the legislative authority. The legislative authority may 60852
certify the resolution to the board of elections as a combined 60853
question. The question appearing on the ballot shall be as 60854
provided in section 5705.252 of the Revised Code. 60855

A levy for the purpose set forth in division (BB) of this 60856
section may be imposed in all or a portion of the territory of a 60857
subdivision. If the 9-1-1 system to be established and operated 60858
with levy funds excludes territory located within the subdivision, 60859
the resolution adopted under this section, or a resolution 60860
proposing to renew such a levy that was imposed in all of the 60861
territory of the subdivision, may describe the area served or to 60862
be served by the system and specify that the proposed tax would be 60863
imposed only in the areas receiving or to receive the service. 60864
Upon passage of such a resolution, the board of elections shall 60865
submit the question of the tax levy only to those electors 60866
residing in the area or areas in which the tax would be imposed. 60867
If the 9-1-1 system would serve the entire subdivision, the 60868
resolution shall not exclude territory from the tax levy. 60869

The resolution shall go into immediate effect upon its 60870
passage, and no publication of the resolution is necessary other 60871
than that provided for in the notice of election. 60872

When the electors of a subdivision or, in the case of a 60873
qualifying library levy for the support of a library association 60874
or private corporation, the electors of the association library 60875
district or, in the case of a 9-1-1 system levy serving only a 60876
portion of the territory of a subdivision, the electors of the 60877
portion of the subdivision in which the levy would be imposed have 60878
approved a tax levy under this section, the taxing authority of 60879
the subdivision may anticipate a fraction of the proceeds of the 60880
levy and issue anticipation notes in accordance with section 60881
5705.191 or 5705.193 of the Revised Code. 60882

Sec. 5709.121. (A) Real property and tangible personal 60883
property belonging to a charitable or educational institution or 60884
to the state or a political subdivision, shall be considered as 60885
used exclusively for charitable or public purposes by such 60886
institution, the state, or political subdivision, if it meets one 60887
of the following requirements: 60888

(1) It is used by such institution, the state, or political 60889
subdivision, or by one or more other such institutions, the state, 60890
or political subdivisions under a lease, sublease, or other 60891
contractual arrangement: 60892

(a) As a community or area center in which presentations in 60893
music, dramatics, the arts, and related fields are made in order 60894
to foster public interest and education therein; 60895

(b) As a children's, science, history, or natural history 60896
museum that is open to the general public; 60897

(c) For other charitable, educational, or public purposes. 60898

(2) It is made available under the direction or control of 60899
such institution, the state, or political subdivision for use in 60900
furtherance of or incidental to its charitable, educational, or 60901
public purposes and not with the view to profit. 60902

(3) It is used by an organization described in division (D) 60903
of section 5709.12 of the Revised Code. If the organization is a 60904
corporation that receives a grant under the Thomas Alva Edison 60905
grant program authorized by division (C) of section 122.33 of the 60906
Revised Code at any time during the tax year, "used," for the 60907
purposes of this division, includes holding property for lease or 60908
resale to others. 60909

(B)(1) Property described in division (A)(1)(a) or (b) of 60910
this section shall continue to be considered as used exclusively 60911
for charitable or public purposes even if the property is conveyed 60912
through one conveyance or a series of conveyances to an entity 60913
that is not a charitable or educational institution and is not the 60914
state or a political subdivision, provided that all of the 60915
following conditions apply with respect to that property: 60916

(a) The property was listed as exempt on the county auditor's 60917
tax list and duplicate for the county in which it is located for 60918
the tax year immediately preceding the year in which the property 60919
is conveyed through one conveyance or a series of conveyances; 60920

(b) The property is conveyed through one conveyance or a 60921
series of conveyances to an entity that does any of the following: 60922

(i) Leases at least forty-five per cent of the property, 60923
through one lease or a series of leases, to the entity that owned 60924
or occupied the property for the tax year immediately preceding 60925
the year in which the property is conveyed or to an affiliate of 60926
that entity; 60927

(ii) Contracts, directly or indirectly to have renovations 60928
performed as described in division (B)(1)(d) of this section and 60929
is at least partially owned by a nonprofit organization described 60930
in section 501(c)(3) of the Internal Revenue Code that is exempt 60931
from taxation under section 501(a) of that code. 60932

(c) The property includes improvements that are at least 60933

fifty years old; 60934

(d) The property is being renovated in connection with a 60935
claim for historic preservation tax credits available under 60936
federal law; 60937

(e) All or a portion of the property continues to be used for 60938
the purposes described in division (A)(1)(a) or (b) of this 60939
section after its conveyance; and 60940

(f) The property is certified by the United States secretary 60941
of the interior as a "certified historic structure" or certified 60942
as part of a certified historic structure. 60943

(2) Notwithstanding section 5715.27 of the Revised Code, an 60944
application for exemption from taxation of property described in 60945
division (B)(1) of this section may be filed by either the owner 60946
of the property or an occupant. 60947

(C) For purposes of this section, an institution that meets 60948
all of the following requirements is conclusively presumed to be a 60949
charitable institution: 60950

(1) The institution is a nonprofit corporation or 60951
association, no part of the net earnings of which inures to the 60952
benefit of any private shareholder or individual; 60953

(2) The institution is exempt from federal income taxation 60954
under section 501(a) of the Internal Revenue Code; 60955

(3) The majority of the institution's board of directors are 60956
appointed by the mayor or legislative authority of a municipal 60957
corporation or a board of county commissioners, or a combination 60958
thereof; 60959

(4) The primary purpose of the institution is to assist in 60960
the development and revitalization of downtown urban areas. 60961

(D) For purposes of division (A)(1)(b) of this section, the 60962
status of a museum as open to the general public shall be 60963

conclusive if the museum is accredited by the American alliance of museums or a successor organization. 60964
60965

(E)(1) Qualifying real property owned by an institution that meets ~~all of~~ the following requirements shall be considered as used exclusively for charitable purposes, and the institution shall be considered a charitable institution for purposes of this section and section 5709.12 of the Revised Code: 60966
60967
60968
60969
60970

(a) The institution is an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code. 60971
60972
60973
60974

(b) The institution's primary purpose is to acquire, develop, lease, or otherwise provide suitable housing to individuals with developmental disabilities. 60975
60976
60977

(c) ~~The~~ Unless otherwise provided by division (E)(3) of this section, the institution receives at least a portion of its funding from one or more county boards of developmental disabilities to assist in the institution's primary purpose described in division (E)(1)(b) of this section. 60978
60979
60980
60981
60982

(2) As used in division (E) of this section, "qualifying real property" means real property that is used primarily in one of the following manners: 60983
60984
60985

(a) The property is used by the institution described in division (E)(1) of this section for the purpose described in division (E)(1)(b) of this section. 60986
60987
60988

(b) The property is leased or otherwise provided by the institution described in division (E)(1) of this section to individuals with developmental disabilities and used by those individuals as housing. 60989
60990
60991
60992

(c) The property is leased or otherwise provided by the 60993

institution described in division (E)(1) of this section to 60994
another charitable institution, and that charitable institution 60995
uses the property exclusively for charitable purposes. 60996

(3) The requirement prescribed by division (E)(1)(c) of this 60997
section shall be waived if the qualifying real property is used in 60998
the manner described in division (E)(2)(b) of this section and at 60999
least seventy-five per cent of the individuals who lease the 61000
property for use as housing were eligible, at any time during the 61001
tax year, to receive "home and community-based services" as 61002
defined in section 5123.01 of the Revised Code. 61003

(F)(1) Qualifying real property owned by an institution that 61004
meets all of the following requirements shall be considered as 61005
used exclusively for charitable purposes, and the institution 61006
shall be considered a charitable institution for purposes of this 61007
section and section 5709.12 of the Revised Code: 61008

(a) The institution is either (i) an organization described 61009
under section 501(c)(3) of the Internal Revenue Code and exempt 61010
from federal income taxation under section 501(a) of the Internal 61011
Revenue Code that has as a primary purpose to acquire, develop, 61012
lease, or otherwise provide suitable supportive housing to 61013
individuals diagnosed with mental illness or substance use 61014
disorder and to families residing with such individuals or (ii) a 61015
limited liability company or limited partnership whose controlling 61016
or managing member or partner either is an organization described 61017
in division (F)(1)(a)(i) of this section or is wholly owned by one 61018
or more such organizations. 61019

(b) One or more of the tax-exempt organizations identified in 61020
division (F)(1)(a) of this section receives at least a portion of 61021
its funding to assist in the organization's primary purpose 61022
described in division (F)(1)(a)(i) of this section from the 61023
department of mental health and addiction services; one or more 61024
county boards of alcohol, drug addiction, and mental health 61025

services; or a local continuum of care program governed by 42 61026
U.S.C. 11381, et seq. and 24 C.F.R. part 578. 61027

(2) As used in division (F) of this section, "qualifying real 61028
property" means real property that is used primarily in one of the 61029
following manners: 61030

(a) The property is used by the institution described in 61031
division (F)(1) of this section for the purpose described in 61032
division (F)(1)(a)(i) of this section. 61033

(b) The institution (i) leases or otherwise provides the 61034
property to individuals diagnosed with mental illness or substance 61035
use disorder and to the families residing with such individuals 61036
and (ii) makes supportive services available to such individuals 61037
and families. 61038

(c) The property is leased or otherwise provided by that 61039
institution to another charitable institution, and that charitable 61040
institution uses the property exclusively for charitable purposes. 61041

Sec. 5709.92. (A) As used in this section: 61042

(1) "School district" means a city, local, or exempted 61043
village school district. 61044

(2) "Joint vocational school district" means a joint 61045
vocational school district created under section 3311.16 of the 61046
Revised Code, and includes a cooperative education school district 61047
created under section 3311.52 or 3311.521 of the Revised Code and 61048
a county school financing district created under section 3311.50 61049
of the Revised Code. 61050

(3) "Total resources" means the sum of the amounts described 61051
in divisions (A)(3)(a) to (g) of this section less any reduction 61052
required under division (C)(3)(a) of this section. 61053

(a) The state education aid for fiscal year 2015; 61054

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district

means the amount computed for the district under section 3317.16 61086
of the Revised Code after any amounts are added or subtracted 61087
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 61088
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 61089
DISTRICTS." 61090

(5) "Taxes charged and payable" means taxes charged and 61091
payable after the reduction required by section 319.301 of the 61092
Revised Code but before the reductions required by sections 61093
319.302 and 323.152 of the Revised Code. 61094

(6) "Capacity quintile" means the capacity measure quintiles 61095
determined under division (B) of this section. 61096

(7) "Threshold per cent" means the following: 61097

(a) For a school district in the lowest capacity quintile, 61098
one per cent for fiscal year 2016 and two per cent for fiscal year 61099
2017. 61100

(b) For a school district in the second lowest capacity 61101
quintile, one and one-fourth per cent for fiscal year 2016 and two 61102
and one-half per cent for fiscal year 2017. 61103

(c) For a school district in the third lowest capacity 61104
quintile, one and one-half per cent for fiscal year 2016 and three 61105
per cent for fiscal year 2017. 61106

(d) For a school district in the second highest capacity 61107
quintile, one and three-fourths per cent for fiscal year 2016 and 61108
three and one-half per cent for fiscal year 2017. 61109

(e) For a school district in the highest capacity quintile, 61110
two per cent for fiscal year 2016 and four per cent for fiscal 61111
year 2017. 61112

(f) For a joint vocational school district, two per cent for 61113
fiscal year 2016 and four per cent for fiscal year 2017. 61114

(8) "Current expense allocation" means the sum of the 61115

payments received by a school district or joint vocational school 61116
district in fiscal year 2015 for current expense levy losses under 61117
division (C)(3) of section 5727.85 and division (C)(12) of section 61118
5751.21 of the Revised Code as they existed at that time, less any 61119
reduction required under division (C)(3)(b) of this section. 61120

(9) "Non-current expense allocation" means the sum of the 61121
payments received by a school district or joint vocational school 61122
district in fiscal year 2015 for levy losses under division 61123
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 61124
5751.21 of the Revised Code, as they existed at that time, and 61125
levy losses in fiscal year 2015 under division (H) of section 61126
5727.84 of the Revised Code as that section existed at that time 61127
attributable to levies for and payments received for losses on 61128
levies intended to generate money for maintenance of classroom 61129
facilities. 61130

(10) "Operating TPP fixed-sum levy losses" means the sum of 61131
payments received by a school district in fiscal year 2015 for 61132
levy losses under division (E) of section 5751.21 of the Revised 61133
Code, excluding levy losses for debt purposes. 61134

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 61135
of payments received by the school district in fiscal year 2015 61136
for levy losses under division (H) of section 5727.84 of the 61137
Revised Code, excluding levy losses for debt purposes. 61138

(12) "TPP fixed-sum debt levy losses" means the sum of 61139
payments received by a school district in fiscal year 2015 for 61140
levy losses under division (E) of section 5751.21 of the Revised 61141
Code for debt purposes. 61142

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 61143
payments received by the school district in fiscal year 2015 for 61144
levy losses under division (H) of section 5727.84 of the Revised 61145
Code for debt purposes. 61146

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C)(1)(a) or (b) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments

shall be made to school districts and joint vocational school 61178
districts equal to the difference obtained by subtracting the 61179
amount described in division (C)(2)(b) of this section from the 61180
amount described in division (C)(2)(a) of this section, provided 61181
that such amount is greater than zero. 61182

(a) The sum of the payments received by the district under 61183
division (C)(1)(b) or (C)(2) of this section for the immediately 61184
preceding fiscal year; 61185

(b) One-sixteenth of one per cent of the average of the total 61186
taxable value of the district for tax years 2014, 2015, and 2016. 61187

(3)(a) "Total resources" used to compute payments under 61188
division (C)(1) of this section shall be reduced to the extent 61189
that payments distributed in fiscal year 2015 were attributable to 61190
levies no longer charged and payable for tax year 2014. 61191

(b) "Current expense allocation" used to compute payments 61192
under division (C)(1) of this section shall be reduced to the 61193
extent that the payments distributed in fiscal year 2015 were 61194
attributable to levies no longer charged and payable for tax year 61195
2014. 61196

(4) The department of education shall report to each school 61197
district and joint vocational school district the apportionment of 61198
the payments under division (C)(1) of this section among the 61199
district's funds based on qualifying levies. 61200

(D)(1) Payments in the following amounts shall be made to 61201
school districts and joint vocational school districts in tax 61202
years 2016 through 2021: 61203

(a) In tax year 2016, the sum of the district's operating TPP 61204
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 61205

(b) In tax year 2017, the sum of the district's operating TPP 61206
fixed-sum levy losses and eighty per cent of operating S.B. 3 61207

fixed-sum levy losses. 61208

(c) In tax year 2018, the sum of eighty per cent of the 61209
district's operating TPP fixed-sum levy losses and sixty per cent 61210
of its operating S.B. 3 fixed-sum levy losses. 61211

(d) In tax year 2019, the sum of sixty per cent of the 61212
district's operating TPP fixed-sum levy losses and forty per cent 61213
of its operating S.B. 3 fixed-sum levy losses. 61214

(e) In tax year 2020, the sum of forty per cent of the 61215
district's operating TPP fixed-sum levy losses and twenty per cent 61216
of its operating S.B. 3 fixed-sum levy losses. 61217

(f) In tax year 2021, twenty per cent of the district's 61218
operating TPP fixed-sum levy losses. 61219

No payment shall be made under division (D)(1) of this 61220
section after tax year 2021. 61221

(2) Amounts are payable under division (D) of this section 61222
for fixed-sum levy losses only to the extent of such losses for 61223
qualifying levies that remain in effect for the current tax year. 61224
For this purpose, a qualifying levy levied under section 5705.194 61225
or 5705.213 of the Revised Code remains in effect for the current 61226
tax year only if a tax levied under either of those sections is 61227
charged and payable for the current tax year for an annual sum at 61228
least equal to the annual sum levied by the board of education for 61229
tax year 2004 under those sections less the amount of the payment 61230
under this division. 61231

(E)(1) For fixed-sum levies for debt purposes, payments shall 61232
be made to school districts and joint vocational school districts 61233
equal to one hundred per cent of the district's fixed-sum levy 61234
loss determined under division (E) of section 5751.20 and division 61235
(H) of section 5727.84 of the Revised Code as in effect before 61236
July 1, 2015, and paid in tax year 2014. No payment shall be made 61237
for qualifying levies that are no longer charged and payable. 61238

(2) Beginning in 2016, by the thirty-first day of January of 61239
each year, the tax commissioner shall review the calculation of 61240
fixed-sum levy loss for debt purposes determined under division 61241
(E) of section 5751.20 and division (H) of section 5727.84 of the 61242
Revised Code as in effect before July 1, 2015. If the commissioner 61243
determines that a fixed-sum levy that had been scheduled to be 61244
reimbursed in the current year is no longer charged and payable, a 61245
revised calculation for that year and all subsequent years shall 61246
be made. 61247

(F)(1) For taxes levied within the ten-mill limitation for 61248
debt purposes in tax year 1998 in the case of electric company tax 61249
value losses, and in tax year 1999 in the case of natural gas 61250
company tax value losses, payments shall be made to school 61251
districts and joint vocational school districts equal to one 61252
hundred per cent of the loss computed under division (D) of 61253
section 5727.85 of the Revised Code as in effect before July 1, 61254
2015, as if the tax were a fixed-rate levy, but those payments 61255
shall extend through fiscal year 2016. 61256

(2) For taxes levied within the ten-mill limitation for debt 61257
purposes in tax year 2005, payments shall be made to school 61258
districts and joint vocational school districts equal to one 61259
hundred per cent of the loss computed under division (D) of 61260
section 5751.21 of the Revised Code as in effect before July 1, 61261
2015, as if the tax were a fixed-rate levy, but those payments 61262
shall extend through fiscal year 2018. 61263

(G) If all the territory of a school district or joint 61264
vocational school district is merged with another district, or if 61265
a part of the territory of a school district or joint vocational 61266
school district is transferred to an existing or newly created 61267
district, the department of education, in consultation with the 61268
tax commissioner, shall adjust the payments made under this 61269
section as follows: 61270

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation.

(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the reimbursements for those losses.

(H) The payments required by divisions (C), (D), (E), ~~and~~ (F), and (I) of this section shall be distributed periodically to

each school and joint vocational school district by the department 61303
of education unless otherwise provided for. Except as provided in 61304
division (D) of this section, if a levy that is a qualifying levy 61305
is not charged and payable in any year after 2014, payments to the 61306
school district or joint vocational school district shall be 61307
reduced to the extent that the payments distributed in fiscal year 61308
2015 were attributable to the levy loss of that levy. 61309

(I) For fiscal years 2022 through 2026, if the total amount 61310
to be received under divisions (C) and (E) of this section by any 61311
school district that has a nuclear power plant located within its 61312
territory is less than the amount the district received under this 61313
section in fiscal year 2017, the district shall receive a 61314
supplemental payment equal to the difference between the amount to 61315
be received under those divisions for the fiscal year and the 61316
amount received under this section in fiscal year 2017. 61317

Sec. 5709.93. (A) As used in this section: 61318

(1) "Taxes charged and payable" means taxes charged and 61319
payable after the reduction required by section 319.301 of the 61320
Revised Code but before the reductions required by sections 61321
319.302 and 323.152 of the Revised Code. 61322

(2) "Threshold per cent" means two per cent for fiscal year 61323
2016; and, for fiscal year 2017 and thereafter, the sum of the 61324
prior year's threshold per cent plus two percentage points. 61325

(3) "Public library" means a county, municipal, school 61326
district, or township public library that receives the proceeds of 61327
a tax levied under section 5705.23 of the Revised Code. 61328

(4) "Local taxing unit" means a subdivision or taxing unit, 61329
as defined in section 5705.01 of the Revised Code, a park district 61330
created under Chapter 1545. of the Revised Code, or a township 61331
park district established under section 511.23 of the Revised 61332

Code, but excludes school districts and joint vocational school districts. 61333
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(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time. 61335
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(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section. 61340
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(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time. 61346
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(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time. 61350
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(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time. 61354
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(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 61358
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar 61362
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year 2014 under division (A)(1) of section 5727.86 and division 61364
(A)(1) of section 5751.22 of the Revised Code as they existed at 61365
that time; 61366

(b) With respect to taxes levied by the county for mental 61367
health and developmental disability related purposes, the taxes 61368
charged and payable for such purposes against all property on the 61369
tax list of real and public utility property for tax year 2014. 61370

(11) "Total resources," in the case of county senior services 61371
related functions, means the sum of the amounts in divisions 61372
(A)(11)(a) and (b) of this section less any reduction required 61373
under division (B)(1) of this section. 61374

(a) The sum of the payments received by the county for senior 61375
services related functions in calendar year 2014 under division 61376
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 61377
of the Revised Code as they existed at that time; 61378

(b) With respect to taxes levied by the county for senior 61379
services related purposes, the taxes charged and payable for such 61380
purposes against all property on the tax list of real and public 61381
utility property for tax year 2014. 61382

(12) "Total resources," in the case of county children's 61383
services related functions, means the sum of the amounts in 61384
divisions (A)(12)(a) and (b) of this section less any reduction 61385
required under division (B)(1) of this section. 61386

(a) The sum of the payments received by the county for 61387
children's services related functions in calendar year 2014 under 61388
division (A)(1) of section 5727.86 and division (A)(1) of section 61389
5751.22 of the Revised Code as they existed at that time; 61390

(b) With respect to taxes levied by the county for children's 61391
services related purposes, the taxes charged and payable for such 61392
purposes against all property on the tax list of real and public 61393
utility property for tax year 2014. 61394

(13) "Total resources," in the case of county public health 61395
related functions, means the sum of the amounts in divisions 61396
(A)(13)(a) and (b) of this section less any reduction required 61397
under division (B)(1) of this section. 61398

(a) The sum of the payments received by the county for public 61399
health related functions in calendar year 2014 under division 61400
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 61401
of the Revised Code as they existed at that time; 61402

(b) With respect to taxes levied by the county for public 61403
health related purposes, the taxes charged and payable for such 61404
purposes against all property on the tax list of real and public 61405
utility property for tax year 2014. 61406

(14) "Total resources," in the case of all county functions 61407
not included in divisions (A)(10) to (13) of this section, means 61408
the sum of the amounts in divisions (A)(14)(a) to (e) of this 61409
section less any reduction required under division (B)(1) or (2) 61410
of this section. 61411

(a) The sum of the payments received by the county for all 61412
other purposes in calendar year 2014 under division (A)(1) of 61413
section 5727.86 and division (A)(1) of section 5751.22 of the 61414
Revised Code as they existed at that time; 61415

(b) The county's percentage share of county undivided local 61416
government fund allocations as certified to the tax commissioner 61417
for calendar year 2015 by the county auditor under division (J) of 61418
section 5747.51 of the Revised Code or division (F) of section 61419
5747.53 of the Revised Code multiplied by the total amount 61420
actually distributed in calendar year 2014 from the county 61421
undivided local government fund; 61422

(c) With respect to taxes levied by the county for all other 61423
purposes, the taxes charged and payable for such purposes against 61424
all property on the tax list of real and public utility property 61425

for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 61426
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(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 61428
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(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 61431
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section. 61434
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(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 61438
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(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 61442
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(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code; 61449
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(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014; 61452
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(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015.

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount

actually distributed in calendar year 2014 from the county 61487
undivided local government fund; 61488

(c) With respect to taxes levied by the township, the taxes 61489
charged and payable against all property on the tax list of real 61490
and public utility property for tax year 2014 excluding taxes 61491
charged and payable for the purpose of paying debt charges or from 61492
levies imposed under section 5705.23 of the Revised Code. 61493

(17) "Total resources," in the case of a local taxing unit 61494
that is not a county, municipal corporation, township, or public 61495
library means the sum of the amounts in divisions (A)(17)(a) to 61496
(e) of this section less any reduction required under division 61497
(B)(1) of this section. 61498

(a) The sum of the payments received by the local taxing unit 61499
in calendar year 2014 pursuant to division (A)(1) of section 61500
5727.86 of the Revised Code and division (A)(1) of section 5751.22 61501
of the Revised Code as they existed at that time; 61502

(b) The local taxing unit's percentage share of county 61503
undivided local government fund allocations as certified to the 61504
tax commissioner for calendar year 2015 by the county auditor 61505
under division (J) of section 5747.51 of the Revised Code or 61506
division (F) of section 5747.53 of the Revised Code multiplied by 61507
the total amount actually distributed in calendar year 2014 from 61508
the county undivided local government fund; 61509

(c) With respect to taxes levied by the local taxing unit, 61510
the taxes charged and payable against all property on the tax list 61511
of real and public utility property for tax year 2014 excluding 61512
taxes charged and payable for the purpose of paying debt charges 61513
or from a levy imposed under section 5705.23 of the Revised Code; 61514

(d) The amount received from the tax commissioner during 61515
calendar year 2014 for sales or use taxes authorized under 61516
sections 5739.023 and 5741.022 of the Revised Code; 61517

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.

(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library

district from the county public library fund in calendar year 61549
2014, as reported to the tax commissioner by the county auditor. 61550

(19) "Municipal current expense property tax levies" means 61551
all property tax levies of a municipality, except those with the 61552
following levy names: library; airport resurfacing; bond or any 61553
levy name including the word "bond"; capital improvement or any 61554
levy name including the word "capital"; debt or any levy name 61555
including the word "debt"; equipment or any levy name including 61556
the word "equipment," unless the levy is for combined operating 61557
and equipment; employee termination fund; fire pension or any levy 61558
containing the word "pension," including police pensions; 61559
fireman's fund or any practically similar name; sinking fund; road 61560
improvements or any levy containing the word "road"; fire truck or 61561
apparatus; flood or any levy containing the word "flood"; 61562
conservancy district; county health; note retirement; sewage, or 61563
any levy containing the words "sewage" or "sewer"; park 61564
improvement; parkland acquisition; storm drain; street or any levy 61565
name containing the word "street"; lighting, or any levy name 61566
containing the word "lighting"; and water. 61567

(20) "Operating fixed-rate levy loss" means, in the case of 61568
local taxing units other than municipal corporations, fixed-rate 61569
levy losses of levies imposed for purposes other than paying debt 61570
charges or, in the case of municipal corporations, fixed-rate levy 61571
losses of municipal current expense property tax levies. 61572

(21)(a) "Qualifying municipal corporation" means a municipal 61573
corporation in the territory of which a qualifying end user is 61574
located. 61575

(b) "Qualifying end user" means an end user of at least seven 61576
million qualifying kilowatt hours of electricity annually. 61577

(c) "Qualifying kilowatt hours" means kilowatt hours of 61578
electricity generated by a renewable energy resource, as defined 61579

in section 5727.01 of the Revised Code, using wind energy and the 61580
distribution of which is subject to the tax levied under section 61581
5727.81 of the Revised Code for any measurement period beginning 61582
after June 30, 2015. 61583

(22) Any term used in this section has the same meaning as in 61584
section 5727.84 or 5751.20 of the Revised Code unless otherwise 61585
defined by this section. 61586

(B)(1) "Total resources" used to compute payments to be made 61587
under division (C) of this section shall be reduced to the extent 61588
that payments distributed in calendar year 2014 were attributable 61589
to levies no longer charged and payable. 61590

(2) "Current expense allocation" used to compute payments to 61591
be made under division (C) of this section shall be reduced to the 61592
extent that payments distributed in calendar year 2014 were 61593
attributable to levies no longer charged and payable. 61594

(C)(1) Except as provided in division (D) of this section, 61595
the tax commissioner shall compute payments for operating 61596
fixed-rate levy losses of local taxing units and public libraries 61597
for fiscal year 2016 and each year thereafter as prescribed in 61598
divisions (C)(1)(a) and (b) of this section: 61599

(a) For public libraries and local taxing units other than 61600
municipal corporations: 61601

(i) If the ratio of current expense allocation to total 61602
resources is equal to or less than the threshold per cent, zero; 61603

(ii) If the ratio of current expense allocation to total 61604
resources is greater than the threshold per cent, the current 61605
expense allocation minus the product of total resources multiplied 61606
by the threshold per cent. 61607

(b) For municipal corporations: 61608

(i) If the ratio of the municipal current expense allocation 61609

to total resources is equal to or less than the threshold per cent, zero; 61610
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(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 61612
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(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 61616
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(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter. 61626
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(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter. 61633
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(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the 61637
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basis of qualifying kilowatt hours of electricity distributed 61641
through the meter of a qualifying end user located in the 61642
municipal corporation for measurement periods ending in the 61643
preceding calendar year. The payment shall be computed regardless 61644
of whether the qualifying municipal corporation qualifies for a 61645
payment under any other division of this section for the fiscal 61646
year in which the payment is computed under this division. For the 61647
purposes of this division, the commissioner may require an 61648
electric distribution company distributing qualifying kilowatt 61649
hours or, if the end user is a self-assessing purchaser, the end 61650
user, to report to the commissioner the number of qualifying 61651
kilowatt hours distributed through the meter of the qualifying end 61652
user. 61653

(F)(1) The payments required to be made under divisions (C) 61654
~~and~~, (D), and (H) of this section shall be paid from the local 61655
government tangible property tax replacement fund to the county 61656
undivided income tax fund in the proper county treasury. Beginning 61657
in August 2015, one-half of the amount determined under each of 61658
those divisions shall be paid on or before the last day of August 61659
each year, and one-half shall be paid on or before the last day of 61660
February each year. Within thirty days after receipt of such 61661
payments, the county treasurer shall distribute amounts determined 61662
under this section to the proper local taxing unit or public 61663
library as if they had been levied and collected as taxes, and the 61664
local taxing unit or public library shall allocate the amounts so 61665
received among its funds in the same proportions as if those 61666
amounts had been levied and collected as taxes. 61667

(2) On or before the last day of August and of February of 61668
each fiscal year that follows a calendar year in which taxes are 61669
paid on the basis of qualifying kilowatt hours of electricity 61670
distributed through the meter of a qualifying end user located in 61671
a qualifying municipal corporation, one-half of the payment 61672

computed under division (E) of this section shall be paid from the 61673
local government tangible personal property tax replacement fund 61674
directly to the qualifying municipal corporation. The municipal 61675
corporation shall credit the payments to a special fund created 61676
for the purpose of providing grants or other financial assistance 61677
to the qualifying end user or to compensate the municipal 61678
corporation for municipal income tax or other tax credits or 61679
reductions as the legislative authority may grant to the 61680
qualifying end user. Such grants or other financial assistance may 61681
be provided for by ordinance or resolution of the legislative 61682
authority of the qualifying municipal corporation and may continue 61683
for as long as is provided by the ordinance or resolution. 61684

(G) If all or a part of the territories of two or more local 61685
taxing units are merged, or unincorporated territory of a township 61686
is annexed by a municipal corporation, the tax commissioner shall 61687
adjust the payments made under this section to each of the local 61688
taxing units in proportion to the square mileage of the merged or 61689
annexed territory as a percentage of the total square mileage of 61690
the jurisdiction from which the territory originated, or as 61691
otherwise provided by a written agreement between the legislative 61692
authorities of the local taxing units certified to the 61693
commissioner not later than the first day of June of the calendar 61694
year in which the payment is to be made. 61695

(H) For fiscal years 2022 through 2026, if the total amount 61696
to be received under division (C) of this section by a joint fire 61697
district that has a nuclear power plant located within its 61698
territory is less than the amount the district received under this 61699
section in fiscal year 2017, the district shall receive a 61700
supplemental payment equal to the difference between the amount to 61701
be received under that division for the fiscal year and the amount 61702
received under this section in fiscal year 2017. 61703

Sec. 5726.20. (A) The tax commissioner may make an 61704
assessment, based on any information in the commissioner's 61705
possession, against any person that fails to file a return or 61706
report or pay any tax as required by this chapter. The reporting 61707
person for a taxpayer shall file the annual report required under 61708
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 61709
imposed by this chapter. Each person included in the annual report 61710
of the taxpayer is jointly and severally liable for the tax 61711
imposed by this chapter and any penalties and interest thereon. If 61712
the reporting person fails, for any reason, to file and remit any 61713
tax, the amount due may be collected by assessment against the 61714
reporting person and against any or all other persons required to 61715
be included in the annual report of the taxpayer as provided in 61716
section 5703.90 of the Revised Code. The commissioner shall make 61717
the assessment in the manner provided in this section. The 61718
commissioner shall give the person assessed written notice of the 61719
assessment as provided in section 5703.37 of the Revised Code. 61720
With the notice, the commissioner shall provide instructions on 61721
the manner in which to petition for reassessment and request a 61722
hearing with respect to the petition. 61723

(B) No assessment shall be made or issued against a person 61724
under this section more than four years after the later of the 61725
final date the report subject to assessment was required to be 61726
filed or the date such report was filed. Such time limit may be 61727
extended if both the person and the commissioner consent in 61728
writing to the extension or if an agreement waiving or extending 61729
the time limit has been entered into pursuant to section 122.171 61730
of the Revised Code. Any such extension shall extend the four-year 61731
time limit prescribed in division (A) of section 5726.30 of the 61732
Revised Code for the same period of time. There shall be no bar or 61733
limit to an assessment against a person that fails to file a 61734
report subject to assessment as required by this chapter, or that 61735

files a fraudulent report. 61736

(C) Unless the person assessed, within sixty days after 61737
service of the notice of assessment, files with the tax 61738
commissioner, either in person or by certified mail, a written 61739
petition for reassessment signed by the person or the person's 61740
authorized agent having knowledge of the facts, the assessment 61741
shall become final, and the amount of the assessment is due and 61742
payable from the person assessed to the treasurer of state. A 61743
petition shall indicate the objections of the person assessed, but 61744
additional objections may be raised in writing if received by the 61745
commissioner prior to the date shown on the final determination. 61746
If a petition for reassessment has been properly filed, the 61747
commissioner shall proceed under section 5703.60 of the Revised 61748
Code. 61749

(D)(1) After an assessment becomes final, if any portion of 61750
the assessment, including any accrued interest, remains unpaid, a 61751
certified copy of the tax commissioner's entry making the 61752
assessment final may be filed in the office of the clerk of the 61753
court of common pleas in the county in which the person resides or 61754
has its principal place of business in this state, or in the 61755
office of the clerk of court of common pleas of Franklin county. 61756

(2) Immediately upon the filing of the entry, the clerk shall 61757
enter judgment for the state against the person assessed in the 61758
amount shown on the entry. The judgment may be filed by the clerk 61759
in a loose-leaf book entitled, "special judgments for the 61760
financial institution tax" and shall have the same effect as other 61761
judgments. Execution shall issue upon the judgment at the request 61762
of the tax commissioner, and all laws applicable to sales on 61763
execution shall apply to sales made under the judgment. 61764

(3) If the assessment is not paid in its entirety within 61765
sixty days after the day the assessment was issued, the portion of 61766
the assessment consisting of tax due shall bear interest at the 61767

rate per annum prescribed by section 5703.47 of the Revised Code 61768
from the date the tax commissioner issues the assessment until the 61769
date the assessment is paid or until it is certified to the 61770
attorney general for collection under section 131.02 of the 61771
Revised Code, whichever comes first. If the unpaid portion of the 61772
assessment is certified to the attorney general for collection, 61773
the entire unpaid portion of the assessment shall bear interest at 61774
the rate per annum prescribed by section 5703.47 of the Revised 61775
Code from the date of certification until the date it is paid in 61776
its entirety. Interest shall be paid in the same manner as the tax 61777
and may be collected by the issuance of an assessment under this 61778
section. 61779

(E) If the tax commissioner believes that collection of the 61780
tax imposed by this chapter will be jeopardized unless proceedings 61781
to collect or secure collection of the tax are instituted without 61782
delay, the commissioner may issue a jeopardy assessment against 61783
the person liable for the tax. Immediately upon the issuance of 61784
the jeopardy assessment, the commissioner shall file an entry with 61785
the clerk of the court of common pleas in the manner prescribed by 61786
division (D) of this section. Notice of the jeopardy assessment 61787
shall be served on the person assessed or the person's authorized 61788
agent in the manner provided in section 5703.37 of the Revised 61789
Code within five days of the filing of the entry with the clerk. 61790
The total amount assessed shall be immediately due and payable, 61791
unless the person assessed files a petition for reassessment in 61792
accordance with division (C) of this section and provides security 61793
in a form satisfactory to the commissioner and in an amount 61794
sufficient to satisfy the unpaid balance of the assessment. Full 61795
or partial payment of the assessment shall not prejudice the 61796
commissioner's consideration of the petition for reassessment. 61797

(F) The tax commissioner shall immediately forward to the 61798
treasurer of state all amounts the commissioner receives under 61799

this section. Such amounts shall be considered as revenue arising 61800
from the tax imposed by this chapter. 61801

(G) If the tax commissioner possesses information indicating 61802
that the amount of tax a taxpayer is required to pay under this 61803
chapter exceeds the amount the reporting person for the taxpayer 61804
paid, the tax commissioner may audit a sample of the taxpayer's 61805
gross receipts over a representative period of time to ascertain 61806
the amount of tax due, and may issue an assessment based on the 61807
audit. The tax commissioner shall make a good faith effort to 61808
reach agreement with the taxpayer in selecting a representative 61809
sample. The tax commissioner may apply a sampling method only if 61810
the commissioner has prescribed the method by rule. 61811

(H) If the whereabouts of a person subject to this chapter is 61812
not known to the tax commissioner, the secretary of state is 61813
hereby deemed to be that person's agent for purposes of service of 61814
process or notice of any assessment, action, or proceedings 61815
instituted in this state against the person under this chapter. 61816
Such process or notice shall be served on such person by the 61817
commissioner or by an agent of the commissioner by leaving a true 61818
and attested copy of the process or notice at the office of the 61819
secretary of state at least fifteen days before the return day of 61820
such process or notice, and by sending a copy of the process or 61821
notice to such person by ordinary mail, with an endorsement 61822
thereon of the service upon the secretary of state, addressed to 61823
such person at the person's last known address. 61824

Sec. 5727.75. (A) For purposes of this section: 61825

(1) "Qualified energy project" means an energy project 61826
certified by the director of development services pursuant to this 61827
section. 61828

(2) "Energy project" means a project to provide electric 61829
power through the construction, installation, and use of an energy 61830

facility. 61831

(3) "Alternative energy zone" means a county declared as such 61832
by the board of county commissioners under division (E)(1)(b) or 61833
(c) of this section. 61834

(4) "Full-time equivalent employee" means the total number of 61835
employee-hours for which compensation was paid to individuals 61836
employed at a qualified energy project for services performed at 61837
the project during the calendar year divided by two thousand 61838
eighty hours. 61839

(5) "Solar energy project" means an energy project composed 61840
of an energy facility using solar panels to generate electricity. 61841

(6) "Internet identifier of record" has the same meaning as 61842
in section 9.312 of the Revised Code. 61843

(B)(1) Tangible personal property of a qualified energy 61844
project using renewable energy resources is exempt from taxation 61845
for tax years 2011 through ~~2023~~2025 if all of the following 61846
conditions are satisfied: 61847

(a) On or before December 31, ~~2022~~2024, the owner or a lessee 61848
pursuant to a sale and leaseback transaction of the project 61849
submits an application to the power siting board for a certificate 61850
under section 4906.20 of the Revised Code, or if that section does 61851
not apply, submits an application for any approval, consent, 61852
permit, or certificate or satisfies any condition required by a 61853
public agency or political subdivision of this state for the 61854
construction or initial operation of an energy project. 61855

(b) Construction or installation of the energy facility 61856
begins on or after January 1, 2009, and before January 1, 61857
~~2023~~2025. For the purposes of this division, construction begins 61858
on the earlier of the date of application for a certificate or 61859
other approval or permit described in division (B)(1)(a) of this 61860
section, or the date the contract for the construction or 61861

installation of the energy facility is entered into. 61862

(c) For a qualified energy project with a nameplate capacity 61863
of twenty megawatts or greater, a board of county commissioners of 61864
a county in which property of the project is located has adopted a 61865
resolution under division (E)(1)(b) or (c) of this section to 61866
approve the application submitted under division (E) of this 61867
section to exempt the property located in that county from 61868
taxation. A board's adoption of a resolution rejecting an 61869
application or its failure to adopt a resolution approving the 61870
application does not affect the tax-exempt status of the qualified 61871
energy project's property that is located in another county. 61872

(2) If tangible personal property of a qualified energy 61873
project using renewable energy resources was exempt from taxation 61874
under this section beginning in any of tax years 2011 through 61875
~~2023~~2025, and the certification under division (E)(2) of this 61876
section has not been revoked, the tangible personal property of 61877
the qualified energy project is exempt from taxation for tax year 61878
~~2024~~2026 and all ensuing tax years if the property was placed into 61879
service before January 1, ~~2024~~2026, as certified in the 61880
construction progress report required under division (F)(2) of 61881
this section. Tangible personal property that has not been placed 61882
into service before that date is taxable property subject to 61883
taxation. An energy project for which certification has been 61884
revoked is ineligible for further exemption under this section. 61885
Revocation does not affect the tax-exempt status of the project's 61886
tangible personal property for the tax year in which revocation 61887
occurs or any prior tax year. 61888

(C) Tangible personal property of a qualified energy project 61889
using clean coal technology, advanced nuclear technology, or 61890
cogeneration technology is exempt from taxation for the first tax 61891
year that the property would be listed for taxation and all 61892
subsequent years if all of the following circumstances are met: 61893

(1) The property was placed into service before January 1, 61894
2021. Tangible personal property that has not been placed into 61895
service before that date is taxable property subject to taxation. 61896

(2) For such a qualified energy project with a nameplate 61897
capacity of twenty megawatts or greater, a board of county 61898
commissioners of a county in which property of the qualified 61899
energy project is located has adopted a resolution under division 61900
(E)(1)(b) or (c) of this section to approve the application 61901
submitted under division (E) of this section to exempt the 61902
property located in that county from taxation. A board's adoption 61903
of a resolution rejecting the application or its failure to adopt 61904
a resolution approving the application does not affect the 61905
tax-exempt status of the qualified energy project's property that 61906
is located in another county. 61907

(3) The certification for the qualified energy project issued 61908
under division (E)(2) of this section has not been revoked. An 61909
energy project for which certification has been revoked is 61910
ineligible for exemption under this section. Revocation does not 61911
affect the tax-exempt status of the project's tangible personal 61912
property for the tax year in which revocation occurs or any prior 61913
tax year. 61914

(D) Except as otherwise provided in this section, real 61915
property of a qualified energy project is exempt from taxation for 61916
any tax year for which the tangible personal property of the 61917
qualified energy project is exempted under this section. 61918

(E)(1)(a) A person may apply to the director of development 61919
services for certification of an energy project as a qualified 61920
energy project on or before the following dates: 61921

(i) December 31, ~~2022~~2024, for an energy project using 61922
renewable energy resources; 61923

(ii) December 31, 2017, for an energy project using clean 61924

coal technology, advanced nuclear technology, or cogeneration 61925
technology. 61926

(b) The director shall forward a copy of each application for 61927
certification of an energy project with a nameplate capacity of 61928
twenty megawatts or greater to the board of county commissioners 61929
of each county in which the project is located and to each taxing 61930
unit with territory located in each of the affected counties. Any 61931
board that receives from the director a copy of an application 61932
submitted under this division shall adopt a resolution approving 61933
or rejecting the application unless it has adopted a resolution 61934
under division (E)(1)(c) of this section. A resolution adopted 61935
under division (E)(1)(b) or (c) of this section may require an 61936
annual service payment to be made in addition to the service 61937
payment required under division (G) of this section. The sum of 61938
the service payment required in the resolution and the service 61939
payment required under division (G) of this section shall not 61940
exceed nine thousand dollars per megawatt of nameplate capacity 61941
located in the county. The resolution shall specify the time and 61942
manner in which the payments required by the resolution shall be 61943
paid to the county treasurer. The county treasurer shall deposit 61944
the payment to the credit of the county's general fund to be used 61945
for any purpose for which money credited to that fund may be used. 61946

The board shall send copies of the resolution to the owner of 61947
the facility and the director by certified mail or, if the board 61948
has record of an internet identifier of record associated with the 61949
owner or director, by ordinary mail and by that internet 61950
identifier of record. The board shall send such notice within 61951
thirty days after receipt of the application, or a longer period 61952
of time if authorized by the director. 61953

(c) A board of county commissioners may adopt a resolution 61954
declaring the county to be an alternative energy zone and 61955
declaring all applications submitted to the director of 61956

development services under this division after the adoption of the 61957
resolution, and prior to its repeal, to be approved by the board. 61958

All tangible personal property and real property of an energy 61959
project with a nameplate capacity of twenty megawatts or greater 61960
is taxable if it is located in a county in which the board of 61961
county commissioners adopted a resolution rejecting the 61962
application submitted under this division or failed to adopt a 61963
resolution approving the application under division (E)(1)(b) or 61964
(c) of this section. 61965

(2) The director shall certify an energy project if all of 61966
the following circumstances exist: 61967

(a) The application was timely submitted. 61968

(b) For an energy project with a nameplate capacity of twenty 61969
megawatts or greater, a board of county commissioners of at least 61970
one county in which the project is located has adopted a 61971
resolution approving the application under division (E)(1)(b) or 61972
(c) of this section. 61973

(c) No portion of the project's facility was used to supply 61974
electricity before December 31, 2009. 61975

(3) The director shall deny a certification application if 61976
the director determines the person has failed to comply with any 61977
requirement under this section. The director may revoke a 61978
certification if the director determines the person, or subsequent 61979
owner or lessee pursuant to a sale and leaseback transaction of 61980
the qualified energy project, has failed to comply with any 61981
requirement under this section. Upon certification or revocation, 61982
the director shall notify the person, owner, or lessee, the tax 61983
commissioner, and the county auditor of a county in which the 61984
project is located of the certification or revocation. Notice 61985
shall be provided in a manner convenient to the director. 61986

(F) The owner or a lessee pursuant to a sale and leaseback 61987

transaction of a qualified energy project shall do each of the 61988
following: 61989

(1) Comply with all applicable regulations; 61990

(2) File with the director of development services a 61991
certified construction progress report before the first day of 61992
March of each year during the energy facility's construction or 61993
installation indicating the percentage of the project completed, 61994
and the project's nameplate capacity, as of the preceding 61995
thirty-first day of December. Unless otherwise instructed by the 61996
director of development services, the owner or lessee of an energy 61997
project shall file a report with the director on or before the 61998
first day of March each year after completion of the energy 61999
facility's construction or installation indicating the project's 62000
nameplate capacity as of the preceding thirty-first day of 62001
December. Not later than sixty days after June 17, 2010, the owner 62002
or lessee of an energy project, the construction of which was 62003
completed before June 17, 2010, shall file a certificate 62004
indicating the project's nameplate capacity. 62005

(3) File with the director of development services, in a 62006
manner prescribed by the director, a report of the total number of 62007
full-time equivalent employees, and the total number of full-time 62008
equivalent employees domiciled in Ohio, who are employed in the 62009
construction or installation of the energy facility; 62010

(4) For energy projects with a nameplate capacity of twenty 62011
megawatts or greater, repair all roads, bridges, and culverts 62012
affected by construction as reasonably required to restore them to 62013
their preconstruction condition, as determined by the county 62014
engineer in consultation with the local jurisdiction responsible 62015
for the roads, bridges, and culverts. In the event that the county 62016
engineer deems any road, bridge, or culvert to be inadequate to 62017
support the construction or decommissioning of the energy 62018
facility, the road, bridge, or culvert shall be rebuilt or 62019

reinforced to the specifications established by the county 62020
engineer prior to the construction or decommissioning of the 62021
facility. The owner or lessee of the facility shall post a bond in 62022
an amount established by the county engineer and to be held by the 62023
board of county commissioners to ensure funding for repairs of 62024
roads, bridges, and culverts affected during the construction. The 62025
bond shall be released by the board not later than one year after 62026
the date the repairs are completed. The energy facility owner or 62027
lessee pursuant to a sale and leaseback transaction shall post a 62028
bond, as may be required by the Ohio power siting board in the 62029
certificate authorizing commencement of construction issued 62030
pursuant to section 4906.10 of the Revised Code, to ensure funding 62031
for repairs to roads, bridges, and culverts resulting from 62032
decommissioning of the facility. The energy facility owner or 62033
lessee and the county engineer may enter into an agreement 62034
regarding specific transportation plans, reinforcements, 62035
modifications, use and repair of roads, financial security to be 62036
provided, and any other relevant issue. 62037

(5) Provide or facilitate training for fire and emergency 62038
responders for response to emergency situations related to the 62039
energy project and, for energy projects with a nameplate capacity 62040
of twenty megawatts or greater, at the person's expense, equip the 62041
fire and emergency responders with proper equipment as reasonably 62042
required to enable them to respond to such emergency situations; 62043

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 62044
employees employed in the construction or installation of the 62045
energy project to total full-time equivalent employees employed in 62046
the construction or installation of the energy project of not less 62047
than eighty per cent in the case of a solar energy project, and 62048
not less than fifty per cent in the case of any other energy 62049
project. In the case of an energy project for which certification 62050
from the power siting board is required under section 4906.20 of 62051

the Revised Code, the number of full-time equivalent employees 62052
employed in the construction or installation of the energy project 62053
equals the number actually employed or the number projected to be 62054
employed in the certificate application, if such projection is 62055
required under regulations adopted pursuant to section 4906.03 of 62056
the Revised Code, whichever is greater. For all other energy 62057
projects, the number of full-time equivalent employees employed in 62058
the construction or installation of the energy project equals the 62059
number actually employed or the number projected to be employed by 62060
the director of development services, whichever is greater. To 62061
estimate the number of employees to be employed in the 62062
construction or installation of an energy project, the director 62063
shall use a generally accepted job-estimating model in use for 62064
renewable energy projects, including but not limited to the job 62065
and economic development impact model. The director may adjust an 62066
estimate produced by a model to account for variables not 62067
accounted for by the model. 62068

(7) For energy projects with a nameplate capacity in excess 62069
of twenty megawatts, establish a relationship with a member of the 62070
university system of Ohio as defined in section 3345.011 of the 62071
Revised Code or with a person offering an apprenticeship program 62072
registered with the employment and training administration within 62073
the United States department of labor or with the apprenticeship 62074
council created by section 4139.02 of the Revised Code, to educate 62075
and train individuals for careers in the wind or solar energy 62076
industry. The relationship may include endowments, cooperative 62077
programs, internships, apprenticeships, research and development 62078
projects, and curriculum development. 62079

(8) Offer to sell power or renewable energy credits from the 62080
energy project to electric distribution utilities or electric 62081
service companies subject to renewable energy resource 62082
requirements under section 4928.64 of the Revised Code that have 62083

issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such

receipt or non-receipt to the director of development services and 62115
tax commissioner in a form determined by the director and 62116
commissioner, respectively. Each payment shall be in the following 62117
amount: 62118

(1) In the case of a solar energy project, seven thousand 62119
dollars per megawatt of nameplate capacity located in the county 62120
as of the thirty-first-day of December of the preceding tax year; 62121

(2) In the case of any other energy project using renewable 62122
energy resources, the following: 62123

(a) If the project maintains during the construction or 62124
installation of the energy facility a ratio of Ohio-domiciled 62125
full-time equivalent employees to total full-time equivalent 62126
employees of not less than seventy-five per cent, six thousand 62127
dollars per megawatt of nameplate capacity located in the county 62128
as of the thirty-first day of December of the preceding tax year; 62129

(b) If the project maintains during the construction or 62130
installation of the energy facility a ratio of Ohio-domiciled 62131
full-time equivalent employees to total full-time equivalent 62132
employees of less than seventy-five per cent but not less than 62133
sixty per cent, seven thousand dollars per megawatt of nameplate 62134
capacity located in the county as of the thirty-first day of 62135
December of the preceding tax year; 62136

(c) If the project maintains during the construction or 62137
installation of the energy facility a ratio of Ohio-domiciled 62138
full-time equivalent employees to total full-time equivalent 62139
employees of less than sixty per cent but not less than fifty per 62140
cent, eight thousand dollars per megawatt of nameplate capacity 62141
located in the county as of the thirty-first day of December of 62142
the preceding tax year. 62143

(3) In the case of an energy project using clean coal 62144
technology, advanced nuclear technology, or cogeneration 62145

technology, the following: 62146

(a) If the project maintains during the construction or 62147
installation of the energy facility a ratio of Ohio-domiciled 62148
full-time equivalent employees to total full-time equivalent 62149
employees of not less than seventy-five per cent, six thousand 62150
dollars per megawatt of nameplate capacity located in the county 62151
as of the thirty-first day of December of the preceding tax year; 62152

(b) If the project maintains during the construction or 62153
installation of the energy facility a ratio of Ohio-domiciled 62154
full-time equivalent employees to total full-time equivalent 62155
employees of less than seventy-five per cent but not less than 62156
sixty per cent, seven thousand dollars per megawatt of nameplate 62157
capacity located in the county as of the thirty-first day of 62158
December of the preceding tax year; 62159

(c) If the project maintains during the construction or 62160
installation of the energy facility a ratio of Ohio-domiciled 62161
full-time equivalent employees to total full-time equivalent 62162
employees of less than sixty per cent but not less than fifty per 62163
cent, eight thousand dollars per megawatt of nameplate capacity 62164
located in the county as of the thirty-first day of December of 62165
the preceding tax year. 62166

(H) The director of development services in consultation with 62167
the tax commissioner shall adopt rules pursuant to Chapter 119. of 62168
the Revised Code to implement and enforce this section. 62169

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 62170
Revised Code: 62171

(A) "Electric distribution company" means either of the 62172
following: 62173

(1) A person who distributes electricity through a meter of 62174
an end user in this state or to an unmetered location in this 62175

state; 62176

(2) The end user of electricity in this state, if the end 62177
user obtains electricity that is not distributed or transmitted to 62178
the end user by an electric distribution company that is required 62179
to remit the tax imposed by section 5727.81 of the Revised Code. 62180

"Electric distribution company" does not include ~~an end user~~ 62181
~~of electricity in this state who self-generates electricity that~~ 62182
~~is used directly by that end user on the same site that the~~ 62183
~~electricity is generated~~ or a person that donates all of the 62184
electricity the person generates to a political subdivision of the 62185
state. Division (A)(2) of this section shall not apply to a 62186
political subdivision in this state that is the end user of 62187
electricity that is donated to the political subdivision. 62188

(B) "Kilowatt hour" means one thousand watt hours of 62189
electricity. 62190

(C) For an electric distribution company, "meter of an end 62191
user in this state" means the last meter used to measure the 62192
kilowatt hours distributed by an electric distribution company to 62193
a location in this state, or the last meter located outside of 62194
this state that is used to measure the kilowatt hours consumed at 62195
a location in this state. 62196

(D) "Person" has the same meaning as in section 5701.01 of 62197
the Revised Code, but also includes a political subdivision of the 62198
state. 62199

(E) "Municipal electric utility" means a municipal 62200
corporation that owns or operates a system for the distribution of 62201
electricity. 62202

(F) "Qualified end user" means an end user of electricity 62203
that satisfies either of the following criteria: 62204

(1) The end user uses more than three million kilowatt hours 62205

of electricity at one manufacturing location in this state for a 62206
calendar day for use in a qualifying manufacturing process. 62207

(2) The end user uses electricity at a manufacturing location 62208
in this state for use in a chlor-alkali manufacturing process but, 62209
if the end user uses electricity distributed by a municipal 62210
electric utility, the end user can only be a "qualified end user" 62211
upon obtaining the consent of the legislative authority of the 62212
municipal corporation that owns or operates the utility. 62213

(G) "Qualified regeneration" means a process to convert 62214
electricity to a form of stored energy by means such as using 62215
electricity to compress air for storage or to pump water to an 62216
elevated storage reservoir, if such stored energy is subsequently 62217
used to generate electricity for sale to others primarily during 62218
periods when there is peak demand for electricity. 62219

(H) "Qualified regeneration meter" means the last meter used 62220
to measure electricity used in a qualified regeneration process. 62221

(I) "Qualifying manufacturing process" means an 62222
electrochemical manufacturing process or a chlor-alkali 62223
manufacturing process. 62224

(J) "Self-assessing purchaser" means a purchaser that meets 62225
all the requirements of, and pays the excise tax in accordance 62226
with, division (C) of section 5727.81 of the Revised Code. 62227

(K) "Natural gas distribution company" means a natural gas 62228
company or a combined company that is subject to the excise tax 62229
imposed by section 5727.24 of the Revised Code and that 62230
distributes natural gas through a meter of an end user in this 62231
state or to an unmetered location in this state. 62232

(L) "MCF" means one thousand cubic feet. 62233

(M) For a natural gas distribution company, "meter of an end 62234
user in this state" means the last meter used to measure the MCF 62235

of natural gas distributed by a natural gas distribution company 62236
to a location in this state, or the last meter located outside of 62237
this state that is used to measure the natural gas consumed at a 62238
location in this state. 62239

(N) "Flex customer" means an industrial or a commercial 62240
facility that has consumed more than one billion cubic feet of 62241
natural gas a year at a single location during any of the previous 62242
five years, or an industrial or a commercial end user of natural 62243
gas that purchases natural gas distribution services from a 62244
natural gas distribution company at discounted rates or charges 62245
established in any of the following: 62246

(1) A special arrangement subject to review and regulation by 62247
the public utilities commission under section 4905.31 of the 62248
Revised Code; 62249

(2) A special arrangement with a natural gas distribution 62250
company pursuant to a municipal ordinance; 62251

(3) A variable rate schedule that permits rates to vary 62252
between defined amounts, provided that the schedule is on file 62253
with the public utilities commission. 62254

An end user that meets this definition on January 1, 2000, or 62255
thereafter is a "flex customer" for purposes of determining the 62256
rate of taxation under division (D) of section 5727.811 of the 62257
Revised Code. 62258

(O) "Electrochemical manufacturing process" means the 62259
performance of an electrochemical reaction in which electrons from 62260
direct current electricity remain a part of the product being 62261
manufactured. "Electrochemical manufacturing process" does not 62262
include a chlor-alkali manufacturing process. 62263

(P) "Chlor-alkali manufacturing process" means a process that 62264
uses electricity to produce chlorine and other chemicals through 62265
the electrolysis of a salt solution. 62266

Sec. 5727.81. (A) For the purpose of raising revenue to fund 62267
the needs of this state and its local governments, an excise tax 62268
is hereby levied and imposed on an electric distribution company 62269
for all electricity distributed by such company at the following 62270
rates per kilowatt hour of electricity distributed in a thirty-day 62271
period by the company through a meter of an end user in this 62272
state: 62273

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	62276
For the next 2,001 to 15,000	\$.00419	62277
For 15,001 and above	\$.00363	62278

If no meter is used to measure the kilowatt hours of 62279
electricity distributed by the company, the rates shall apply to 62280
the estimated kilowatt hours of electricity distributed to an 62281
unmetered location in this state. 62282

The electric distribution company shall base the monthly tax 62283
on the kilowatt hours of electricity distributed to an end user 62284
through the meter of the end user that is not measured for a 62285
thirty-day period by dividing the days in the measurement period 62286
into the total kilowatt hours measured during the measurement 62287
period to obtain a daily average usage. The tax shall be 62288
determined by obtaining the sum of divisions (A)(1), (2), and (3) 62289
of this section and multiplying that amount by the number of days 62290
in the measurement period: 62291

(1) Multiplying \$0.00465 per kilowatt hour for the first 62292
sixty-seven kilowatt hours distributed using a daily average; 62293

(2) Multiplying \$0.00419 for the next sixty-eight to five 62294
hundred kilowatt hours distributed using a daily average; 62295

(3) Multiplying \$0.00363 for the remaining kilowatt hours 62296
distributed using a daily average. 62297

Except as provided in division (C) of this section, the electric distribution company shall pay the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition

costs as described in Chapter 4928. of the Revised Code. 62329

(b) "Package" means the provision or the acquisition, at a 62330
combined price, of electricity with other services or products, or 62331
any combination thereof, such as natural gas or other fuels; 62332
energy management products, software, and services; machinery and 62333
equipment acquisition; and financing agreements. 62334

(c) "Single location" means a facility located on contiguous 62335
property separated only by a roadway, railway, or waterway. 62336

(2) Division (C) of this section applies to any commercial or 62337
industrial purchaser's receipt of electricity through a meter of 62338
an end user in this state or through more than one meter at a 62339
single location in this state in a quantity that exceeds 62340
forty-five million kilowatt hours of electricity over the course 62341
of the preceding calendar year, or any commercial or industrial 62342
purchaser that will consume more than forty-five million kilowatt 62343
hours of electricity over the course of the succeeding twelve 62344
months as estimated by the tax commissioner. The tax commissioner 62345
shall make such an estimate upon the written request by an 62346
applicant for registration as a self-assessing purchaser under 62347
this division. For the meter reading period including July 1, 62348
2008, through the meter reading period including December 31, 62349
2010, such a purchaser may elect to self-assess the excise tax 62350
imposed by this section at the rate of \$.00075 per kilowatt hour 62351
on the first five hundred four million kilowatt hours distributed 62352
to that meter or location during the registration year, and a 62353
percentage of the total price of all electricity distributed to 62354
that meter or location equal to three and one-half per cent. For 62355
the meter reading period including January 1, 2011, and 62356
thereafter, such a purchaser may elect to self-assess the excise 62357
tax imposed by this section at the rate of \$.00257 per kilowatt 62358
hour for the first five hundred million kilowatt hours, and 62359
\$.001832 per kilowatt hour for each kilowatt hour in excess of 62360

five hundred million kilowatt hours, distributed to that meter or 62361
location during the registration year. 62362

A qualified end user that receives electricity through a 62363
meter of an end user in this state or through more than one meter 62364
at a single location in this state and that consumes, over the 62365
course of the previous calendar year, more than forty-five million 62366
kilowatt hours in other than its qualifying manufacturing process, 62367
may elect to self-assess the tax as allowed by this division with 62368
respect to the electricity used in other than its qualifying 62369
manufacturing process. 62370

Payment of the tax shall be made directly to the tax 62371
commissioner in accordance with divisions (A)(4) and (5) of 62372
section 5727.82 of the Revised Code, or the treasurer of state in 62373
accordance with section 5727.83 of the Revised Code. If the 62374
electric distribution company serving the self-assessing purchaser 62375
is a municipal electric utility and the purchaser is within the 62376
municipal corporation's corporate limits, payment shall be made to 62377
such municipal corporation's general fund and reports shall be 62378
filed in accordance with divisions (A)(4) and (5) of section 62379
5727.82 of the Revised Code, except that "municipal corporation" 62380
shall be substituted for "treasurer of state" and "tax 62381
commissioner." A self-assessing purchaser that pays the excise tax 62382
as provided in this division shall not be required to pay the tax 62383
to the electric distribution company from which its electricity is 62384
distributed. If a self-assessing purchaser's receipt of 62385
electricity is not subject to the tax as measured under this 62386
division, the tax on the receipt of such electricity shall be 62387
measured and paid as provided in division (A) of this section. 62388

(3) In the case of the acquisition of a package, unless the 62389
elements of the package are separately stated isolating the total 62390
price of electricity from the price of the remaining elements of 62391
the package, the tax imposed under this section applies to the 62392

entire price of the package. If the elements of the package are 62393
separately stated, the tax imposed under this section applies to 62394
the total price of the electricity. 62395

(4) Any electric supplier that sells electricity as part of a 62396
package shall separately state to the purchaser the total price of 62397
the electricity and, upon request by the tax commissioner, the 62398
total price of each of the other elements of the package. 62399

(5) The tax commissioner may adopt rules relating to the 62400
computation of the total price of electricity with respect to 62401
self-assessing purchasers, which may include rules to establish 62402
the total price of electricity purchased as part of a package. 62403

(6) An annual application for registration as a 62404
self-assessing purchaser shall be made for each qualifying meter 62405
or location on a form prescribed by the tax commissioner. The 62406
registration year begins on the first day of May and ends on the 62407
following thirtieth day of April. Persons may apply after the 62408
first day of May for the remainder of the registration year. In 62409
the case of an applicant applying on the basis of an estimated 62410
consumption of forty-five million kilowatt hours over the course 62411
of the succeeding twelve months, the applicant shall provide such 62412
information as the tax commissioner considers to be necessary to 62413
estimate such consumption. At the time of making the application 62414
and by the first day of May of each year, a self-assessing 62415
purchaser shall pay a fee of five hundred dollars to the tax 62416
commissioner, or to the treasurer of state as provided in section 62417
5727.83 of the Revised Code, for each qualifying meter or 62418
location. The tax commissioner shall immediately pay to the 62419
treasurer of state all amounts that the tax commissioner receives 62420
under this section. The treasurer of state shall deposit such 62421
amounts into the kilowatt hour excise tax administration fund, 62422
which is hereby created in the state treasury. Money in the fund 62423
shall be used to defray the tax commissioner's cost in 62424

administering the tax owed under section 5727.81 of the Revised Code by self-assessing purchasers. After the application is approved by the tax commissioner, the registration shall remain in effect for the current registration year, or until canceled by the registrant upon written notification to the commissioner of the election to pay the tax in accordance with division (A) of this section, or until canceled by the tax commissioner for not paying the tax or fee under division (C) of this section or for not meeting the qualifications in division (C)(2) of this section. The tax commissioner shall give written notice to the electric distribution company from which electricity is delivered to a self-assessing purchaser of the purchaser's self-assessing status, and the electric distribution company is relieved of the obligation to pay the tax imposed by division (A) of this section for electricity distributed to that self-assessing purchaser until it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the

course of the twelve-month period for which the estimate was made, 62458
the tax commissioner shall assess and collect from the purchaser 62459
the difference between (a) the amount of tax that would have been 62460
payable under division (A) of this section on the electricity 62461
distributed to the purchaser during that period and (b) the amount 62462
of tax paid by the purchaser on such electricity pursuant to 62463
division (C)(2) of this section. The assessment shall be paid 62464
within sixty days after the tax commissioner issues it, regardless 62465
of whether the purchaser files a petition for reassessment under 62466
section 5727.89 of the Revised Code covering that period. If the 62467
purchaser does not pay the assessment within the time prescribed, 62468
the amount assessed is subject to the additional charge and the 62469
interest prescribed by divisions (B) and (C) of section 5727.82 of 62470
the Revised Code, and is subject to assessment under section 62471
5727.89 of the Revised Code. If the purchaser is a qualified end 62472
user, division (C)(7) of this section applies only to electricity 62473
it consumes in other than its qualifying manufacturing process. 62474

(D) The tax imposed by this section does not apply to ~~the~~ i 62475

(1) The distribution or obtaining of any kilowatt hours of 62476
electricity to ~~the~~ or by any of the following: 62477

(a) The federal government, ~~to an~~ i 62478

(b) An end user located at a federal facility that uses 62479
electricity for the enrichment of uranium, ~~to a~~ i 62480

(c) A qualified regeneration meter, ~~or to an~~ i 62481

(d) An end user for any day the end user is a qualified end 62482
user i 62483

(e) An end user if the electricity is generated by an 62484
electric generation facility that is primarily dedicated to 62485
providing electricity to the electric-consuming facilities of the 62486
end user, that is sized so as to not exceed one hundred per cent 62487
of the customer-generator's annual requirements for electric 62488

energy at the time of interconnection, that is physically 62489
interconnected and integrated with the electric-consuming 62490
facilities of the end user, and that is located on the same 62491
property on which the end user's electric-consuming facilities are 62492
situated or on property that is contiguous to the property on 62493
which the end user's electric-consuming facilities are situated. 62494

(2) Kilowatt hours of electricity generated by a 62495
self-generator if the electric generating facility is sized so as 62496
not to exceed one hundred per cent of the customer-generator's 62497
annual requirements for electric energy at the time of 62498
interconnection. The 62499

The exemption under ~~this~~ division (D)(1)(d) of this section 62500
for a qualified end user only applies to the manufacturing 62501
location where the qualified end user uses electricity in a 62502
chlor-alkali manufacturing process or where the qualified end user 62503
uses more than three million kilowatt hours per day in an 62504
electrochemical manufacturing process. As used in division (D) of 62505
this section, "customer-generator" and "self-generator" have the 62506
same meanings as in section 4928.01 of the Revised Code. 62507

(E) All revenue arising from the tax imposed by this section 62508
shall be credited to the general revenue fund except as provided 62509
by division (C) of this section and section 5727.82 of the Revised 62510
Code. 62511

Sec. 5731.21. (A)(1)(a) Except as provided under division 62512
(A)(3) of this section, the executor or administrator, or, if no 62513
executor or administrator has been appointed, another person in 62514
possession of property the transfer of which is subject to estate 62515
taxes under section 5731.02 or division (A) of section 5731.19 of 62516
the Revised Code, shall file an estate tax return, within nine 62517
months of the date of the decedent's death, in the form prescribed 62518
by the tax commissioner, in duplicate, with the probate court of 62519

the county. The return shall include all property the transfer of 62520
which is subject to estate taxes, whether that property is 62521
transferred under the last will and testament of the decedent or 62522
otherwise. The time for filing the return may be extended by the 62523
tax commissioner. 62524

(b) The estate tax return described in division (A)(1)(a) of 62525
this section shall be accompanied by a certificate, in the form 62526
prescribed by the tax commissioner, that is signed by the 62527
executor, administrator, or other person required to file the 62528
return, and that states all of the following: 62529

(i) The fact that the return was filed; 62530

(ii) The date of the filing of the return; 62531

(iii) The fact that the estate taxes under section 5731.02 or 62532
division (A) of section 5731.19 of the Revised Code, that are 62533
shown to be due in the return, have been paid in full; 62534

(iv) If applicable, the fact that real property listed in the 62535
inventory for the decedent's estate is included in the return; 62536

(v) If applicable, the fact that real property not listed in 62537
the inventory for the decedent's estate, including, but not 62538
limited to, survivorship tenancy property as described in section 62539
5302.17 of the Revised Code or transfer on death property as 62540
described in sections 5302.22 and 5302.23 of the Revised Code, 62541
also is included in the return. In this regard, the certificate 62542
additionally shall describe that real property by the same 62543
description used in the return. 62544

(2) The probate court shall forward one copy of the estate 62545
tax return described in division (A)(1)(a) of this section to the 62546
tax commissioner. 62547

(3) A person shall not be required to file a return under 62548
division (A) of this section if the decedent was a resident of 62549

this state and the value of the decedent's gross estate is 62550
twenty-five thousand dollars or less in the case of a decedent 62551
dying on or after July 1, 1968, but before January 1, 2001; two 62552
hundred thousand dollars or less in the case of a decedent dying 62553
on or after January 1, 2001, but before January 1, 2002; or three 62554
hundred thirty-eight thousand three hundred thirty-three dollars 62555
or less in the case of a decedent dying on or after January 1, 62556
2002. No return shall be filed for estates of decedents dying on 62557
or after January 1, 2013. 62558

(4)(a) Upon receipt of the estate tax return described in 62559
division (A)(1)(a) of this section and the accompanying 62560
certificate described in division (A)(1)(b) of this section, the 62561
probate court promptly shall give notice of the return, by a form 62562
prescribed by the tax commissioner, to the county auditor. The 62563
auditor then shall make a charge based upon the notice and shall 62564
certify a duplicate of the charge to the county treasurer. The 62565
treasurer then shall collect, subject to division (A) of section 62566
5731.25 of the Revised Code or any other statute extending the 62567
time for payment of an estate tax, the tax so charged. 62568

(b) Upon receipt of the return and the accompanying 62569
certificate, the probate court also shall forward the certificate 62570
to the auditor. When satisfied that the estate taxes under section 62571
5731.02 or division (A) of section 5731.19 of the Revised Code, 62572
that are shown to be due in the return, have been paid in full, 62573
the auditor shall stamp the certificate so forwarded to verify 62574
that payment. The auditor then shall return the stamped 62575
certificate to the probate court. 62576

(5)(a) The certificate described in division (A)(1)(b) of 62577
this section is a public record subject to inspection and copying 62578
in accordance with section 149.43 of the Revised Code. It shall be 62579
kept in the records of the probate court pertaining to the 62580
decedent's estate and is not subject to the confidentiality 62581

provisions of section 5731.90 of the Revised Code. 62582

(b) All persons are entitled to rely on the statements 62583
contained in a certificate as described in division (A)(1)(b) of 62584
this section if it has been filed in accordance with that 62585
division, forwarded to a county auditor and stamped in accordance 62586
with division (A)(4) of this section, and placed in the records of 62587
the probate court pertaining to the decedent's estate in 62588
accordance with division (A)(5)(a) of this section. The real 62589
property referred to in the certificate shall be free of, and may 62590
be regarded by all persons as being free of, any lien for estate 62591
taxes under section 5731.02 and division (A) of section 5731.19 of 62592
the Revised Code. 62593

(B) An estate tax return filed under this section, in the 62594
form prescribed by the tax commissioner, and showing that no 62595
estate tax is due shall result in a determination that no estate 62596
tax is due, if the tax commissioner within three months after the 62597
receipt of the return by the department of taxation, fails to file 62598
exceptions to the return in the probate court of the county in 62599
which the return was filed. A copy of exceptions to a return of 62600
that nature, when the tax commissioner files them within that 62601
period, shall be sent by ordinary mail to the person who filed the 62602
return. The tax commissioner is not bound under this division by a 62603
determination that no estate tax is due, with respect to property 62604
not disclosed in the return. 62605

(C) If the executor, administrator, or other person required 62606
to file an estate tax return fails to file it within nine months 62607
of the date of the decedent's death, the tax commissioner may 62608
determine the estate tax in that estate and issue a certificate of 62609
determination in the same manner as is provided in division (B) of 62610
section 5731.27 of the Revised Code. A certificate of 62611
determination of that nature has the same force and effect as 62612
though a return had been filed and a certificate of determination 62613

issued with respect to the return. 62614

(D) No return shall be filed under this section or section 62615
5731.24 of the Revised Code, and no tax shall be due under this 62616
chapter, with respect to either of the following: 62617

(1) Property first discovered after December 31, 2021, that 62618
would otherwise be subject to the tax imposed by this chapter; 62619

(2) Property first discovered on or before December 31, 2021, 62620
but not disclosed on a return or included in a certificate of 62621
determination issued by the tax commissioner on or before December 62622
31, 2021. 62623

Nothing in this division shall be construed to affect any 62624
estate tax liability determined by the tax commissioner for 62625
returns filed on or before December 31, 2021, or any tax liability 62626
determined under an agreement entered into under division (C) of 62627
section 5731.26 of the Revised Code. The estate shall pay any such 62628
liability. 62629

Sec. 5731.24. ~~If~~ Except as provided in division (D) of 62630
section 5731.21 of the Revised Code, if an additional tax 62631
prescribed by section 5731.18 of the Revised Code is due, the 62632
executor, administrator, or other person required to file the 62633
estate tax return, within sixty days after the date of the final 62634
determination of the federal estate tax liability, shall file an 62635
additional tax return, in the form prescribed by the tax 62636
commissioner, in the same manner as is prescribed for the filing 62637
of the estate tax return. Subject to division (A) of section 62638
5731.25 of the Revised Code or any other ~~state statute~~ statute extending 62639
the time for payment of an estate tax, the additional tax shall be 62640
paid, without notice or demand by the tax commissioner, with the 62641
return, and shall be charged and collected in the same manner as 62642
the estate tax, except that no interest shall accrue until sixty 62643
days after the date of the final determination of the federal 62644

estate tax liability. 62645

Sec. 5731.28. If any debts deductible under section 5731.16 62646
of the Revised Code are proved against the gross estate after the 62647
tax levied by section 5731.02 or division (A) of section 5731.19 62648
of the Revised Code has been determined, or if the determination 62649
of taxes so made is erroneous due to a mistake of fact or law, a 62650
claim for refund of tax may be filed by an executor, 62651
administrator, trustee, person in possession of property subject 62652
to tax, or any transferee thereof, within three years from the 62653
time the return was required to be filed (determined without 62654
regard to any extension of time for filing) or before January 1, 62655
2022, whichever is earlier, in the form prescribed by the tax 62656
commissioner. The claim for refund shall be filed in the same 62657
manner as is prescribed for the filing of a return in section 62658
5731.21 of the Revised Code and the determination of its 62659
correctness shall be made in the same manner as is provided for in 62660
the case of the return itself. 62661

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, 62662
and to administer Chapters 5713. and 4503. of the Revised Code the 62663
tax commissioner may appoint agents in the unclassified civil 62664
service who shall perform such duties as are prescribed by the 62665
commissioner. Such agents shall, as compensation, receive annually 62666
eight cents per capita for each full one thousand of the first 62667
twenty thousand of the population of the county and two cents per 62668
capita for each full one thousand over twenty thousand of the 62669
population of the county, as shown by the ~~last~~ 2010 federal 62670
census, which shall be paid in equal monthly installments from the 62671
undivided inheritance or estate tax fund in the county treasury on 62672
the warrant of the county auditor or, if the balance of that fund 62673
is not sufficient to make such payments, from the county real 62674
estate assessment fund pursuant to division (B)(6) of section 62675

325.31 of the Revised Code, any other provision of law to the 62676
contrary notwithstanding. The amount paid to any agent in the 62677
unclassified service for all of the duties performed under this 62678
section, as directed by the commissioner, shall not exceed three 62679
thousand nor be less than twelve hundred dollars in any calendar 62680
year. 62681

Sec. 5739.02. For the purpose of providing revenue with which 62682
to meet the needs of the state, for the use of the general revenue 62683
fund of the state, for the purpose of securing a thorough and 62684
efficient system of common schools throughout the state, for the 62685
purpose of affording revenues, in addition to those from general 62686
property taxes, permitted under constitutional limitations, and 62687
from other sources, for the support of local governmental 62688
functions, and for the purpose of reimbursing the state for the 62689
expense of administering this chapter, an excise tax is hereby 62690
levied on each retail sale made in this state. 62691

(A)(1) The tax shall be collected as provided in section 62692
5739.025 of the Revised Code. The rate of the tax shall be five 62693
and three-fourths per cent. The tax applies and is collectible 62694
when the sale is made, regardless of the time when the price is 62695
paid or delivered. 62696

(2) In the case of the lease or rental, with a fixed term of 62697
more than thirty days or an indefinite term with a minimum period 62698
of more than thirty days, of any motor vehicles designed by the 62699
manufacturer to carry a load of not more than one ton, watercraft, 62700
outboard motor, or aircraft, or of any tangible personal property, 62701
other than motor vehicles designed by the manufacturer to carry a 62702
load of more than one ton, to be used by the lessee or renter 62703
primarily for business purposes, the tax shall be collected by the 62704
vendor at the time the lease or rental is consummated and shall be 62705
calculated by the vendor on the basis of the total amount to be 62706

paid by the lessee or renter under the lease agreement. If the 62707
total amount of the consideration for the lease or rental includes 62708
amounts that are not calculated at the time the lease or rental is 62709
executed, the tax shall be calculated and collected by the vendor 62710
at the time such amounts are billed to the lessee or renter. In 62711
the case of an open-end lease or rental, the tax shall be 62712
calculated by the vendor on the basis of the total amount to be 62713
paid during the initial fixed term of the lease or rental, and for 62714
each subsequent renewal period as it comes due. As used in this 62715
division, "motor vehicle" has the same meaning as in section 62716
4501.01 of the Revised Code, and "watercraft" includes an outdrive 62717
unit attached to the watercraft. 62718

A lease with a renewal clause and a termination penalty or 62719
similar provision that applies if the renewal clause is not 62720
exercised is presumed to be a sham transaction. In such a case, 62721
the tax shall be calculated and paid on the basis of the entire 62722
length of the lease period, including any renewal periods, until 62723
the termination penalty or similar provision no longer applies. 62724
The taxpayer shall bear the burden, by a preponderance of the 62725
evidence, that the transaction or series of transactions is not a 62726
sham transaction. 62727

(3) Except as provided in division (A)(2) of this section, in 62728
the case of a sale, the price of which consists in whole or in 62729
part of the lease or rental of tangible personal property, the tax 62730
shall be measured by the installments of that lease or rental. 62731

(4) In the case of a sale of a physical fitness facility 62732
service or recreation and sports club service, the price of which 62733
consists in whole or in part of a membership for the receipt of 62734
the benefit of the service, the tax applicable to the sale shall 62735
be measured by the installments thereof. 62736

(B) The tax does not apply to the following: 62737

(1) Sales to the state or any of its political subdivisions,	62738
or to any other state or its political subdivisions if the laws of	62739
that state exempt from taxation sales made to this state and its	62740
political subdivisions;	62741
(2) Sales of food for human consumption off the premises	62742
where sold;	62743
(3) Sales of food sold to students only in a cafeteria,	62744
dormitory, fraternity, or sorority maintained in a private,	62745
public, or parochial school, college, or university;	62746
(4) Sales of newspapers and sales or transfers of magazines	62747
distributed as controlled circulation publications;	62748
(5) The furnishing, preparing, or serving of meals without	62749
charge by an employer to an employee provided the employer records	62750
the meals as part compensation for services performed or work	62751
done;	62752
(6)(a) Sales of motor fuel upon receipt, use, distribution,	62753
or sale of which in this state a tax is imposed by the law of this	62754
state, but this exemption shall not apply to the sale of motor	62755
fuel on which a refund of the tax is allowable under division (A)	62756
of section 5735.14 of the Revised Code; and the tax commissioner	62757
may deduct the amount of tax levied by this section applicable to	62758
the price of motor fuel when granting a refund of motor fuel tax	62759
pursuant to division (A) of section 5735.14 of the Revised Code	62760
and shall cause the amount deducted to be paid into the general	62761
revenue fund of this state;	62762
(b) Sales of motor fuel other than that described in division	62763
(B)(6)(a) of this section and used for powering a refrigeration	62764
unit on a vehicle other than one used primarily to provide comfort	62765
to the operator or occupants of the vehicle.	62766
(7) Sales of natural gas by a natural gas company or	62767
municipal gas utility, of water by a water-works company, or of	62768

steam by a heating company, if in each case the thing sold is 62769
delivered to consumers through pipes or conduits, and all sales of 62770
communications services by a telegraph company, all terms as 62771
defined in section 5727.01 of the Revised Code, and sales of 62772
electricity delivered through wires; 62773

(8) Casual sales by a person, or auctioneer employed directly 62774
by the person to conduct such sales, except as to such sales of 62775
motor vehicles, watercraft or outboard motors required to be 62776
titled under section 1548.06 of the Revised Code, watercraft 62777
documented with the United States coast guard, snowmobiles, and 62778
all-purpose vehicles as defined in section 4519.01 of the Revised 62779
Code; 62780

(9)(a) Sales of services or tangible personal property, other 62781
than motor vehicles, mobile homes, and manufactured homes, by 62782
churches, organizations exempt from taxation under section 62783
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 62784
organizations operated exclusively for charitable purposes as 62785
defined in division (B)(12) of this section, provided that the 62786
number of days on which such tangible personal property or 62787
services, other than items never subject to the tax, are sold does 62788
not exceed six in any calendar year, except as otherwise provided 62789
in division (B)(9)(b) of this section. If the number of days on 62790
which such sales are made exceeds six in any calendar year, the 62791
church or organization shall be considered to be engaged in 62792
business and all subsequent sales by it shall be subject to the 62793
tax. In counting the number of days, all sales by groups within a 62794
church or within an organization shall be considered to be sales 62795
of that church or organization. 62796

(b) The limitation on the number of days on which tax-exempt 62797
sales may be made by a church or organization under division 62798
(B)(9)(a) of this section does not apply to sales made by student 62799
clubs and other groups of students of a primary or secondary 62800

school, or a parent-teacher association, booster group, or similar 62801
organization that raises money to support or fund curricular or 62802
extracurricular activities of a primary or secondary school. 62803

(c) Divisions (B)(9)(a) and (b) of this section do not apply 62804
to sales by a noncommercial educational radio or television 62805
broadcasting station. 62806

(10) Sales not within the taxing power of this state under 62807
the Constitution or laws of the United States or the Constitution 62808
of this state; 62809

(11) Except for transactions that are sales under division 62810
(B)(3)(r) of section 5739.01 of the Revised Code, the 62811
transportation of persons or property, unless the transportation 62812
is by a private investigation and security service; 62813

(12) Sales of tangible personal property or services to 62814
churches, to organizations exempt from taxation under section 62815
501(c)(3) of the Internal Revenue Code of 1986, and to any other 62816
nonprofit organizations operated exclusively for charitable 62817
purposes in this state, no part of the net income of which inures 62818
to the benefit of any private shareholder or individual, and no 62819
substantial part of the activities of which consists of carrying 62820
on propaganda or otherwise attempting to influence legislation; 62821
sales to offices administering one or more homes for the aged or 62822
one or more hospital facilities exempt under section 140.08 of the 62823
Revised Code; and sales to organizations described in division (D) 62824
of section 5709.12 of the Revised Code. 62825

"Charitable purposes" means the relief of poverty; the 62826
improvement of health through the alleviation of illness, disease, 62827
or injury; the operation of an organization exclusively for the 62828
provision of professional, laundry, printing, and purchasing 62829
services to hospitals or charitable institutions; the operation of 62830
a home for the aged, as defined in section 5701.13 of the Revised 62831

Code; the operation of a radio or television broadcasting station 62832
that is licensed by the federal communications commission as a 62833
noncommercial educational radio or television station; the 62834
operation of a nonprofit animal adoption service or a county 62835
humane society; the promotion of education by an institution of 62836
learning that maintains a faculty of qualified instructors, 62837
teaches regular continuous courses of study, and confers a 62838
recognized diploma upon completion of a specific curriculum; the 62839
operation of a parent-teacher association, booster group, or 62840
similar organization primarily engaged in the promotion and 62841
support of the curricular or extracurricular activities of a 62842
primary or secondary school; the operation of a community or area 62843
center in which presentations in music, dramatics, the arts, and 62844
related fields are made in order to foster public interest and 62845
education therein; the production of performances in music, 62846
dramatics, and the arts; or the promotion of education by an 62847
organization engaged in carrying on research in, or the 62848
dissemination of, scientific and technological knowledge and 62849
information primarily for the public. 62850

Nothing in this division shall be deemed to exempt sales to 62851
any organization for use in the operation or carrying on of a 62852
trade or business, or sales to a home for the aged for use in the 62853
operation of independent living facilities as defined in division 62854
(A) of section 5709.12 of the Revised Code. 62855

(13) Building and construction materials and services sold to 62856
construction contractors for incorporation into a structure or 62857
improvement to real property under a construction contract with 62858
this state or a political subdivision of this state, or with the 62859
United States government or any of its agencies; building and 62860
construction materials and services sold to construction 62861
contractors for incorporation into a structure or improvement to 62862
real property that are accepted for ownership by this state or any 62863

of its political subdivisions, or by the United States government 62864
or any of its agencies at the time of completion of the structures 62865
or improvements; building and construction materials sold to 62866
construction contractors for incorporation into a horticulture 62867
structure or livestock structure for a person engaged in the 62868
business of horticulture or producing livestock; building 62869
materials and services sold to a construction contractor for 62870
incorporation into a house of public worship or religious 62871
education, or a building used exclusively for charitable purposes 62872
under a construction contract with an organization whose purpose 62873
is as described in division (B)(12) of this section; building 62874
materials and services sold to a construction contractor for 62875
incorporation into a building under a construction contract with 62876
an organization exempt from taxation under section 501(c)(3) of 62877
the Internal Revenue Code of 1986 when the building is to be used 62878
exclusively for the organization's exempt purposes; building and 62879
construction materials sold for incorporation into the original 62880
construction of a sports facility under section 307.696 of the 62881
Revised Code; building and construction materials and services 62882
sold to a construction contractor for incorporation into real 62883
property outside this state if such materials and services, when 62884
sold to a construction contractor in the state in which the real 62885
property is located for incorporation into real property in that 62886
state, would be exempt from a tax on sales levied by that state; 62887
building and construction materials for incorporation into a 62888
transportation facility pursuant to a public-private agreement 62889
entered into under sections 5501.70 to 5501.83 of the Revised 62890
Code; and, until one calendar year after the construction of a 62891
convention center that qualifies for property tax exemption under 62892
section 5709.084 of the Revised Code is completed, building and 62893
construction materials and services sold to a construction 62894
contractor for incorporation into the real property comprising 62895
that convention center; 62896

(14) Sales of ships or vessels or rail rolling stock used or 62897
to be used principally in interstate or foreign commerce, and 62898
repairs, alterations, fuel, and lubricants for such ships or 62899
vessels or rail rolling stock; 62900

(15) Sales to persons primarily engaged in any of the 62901
activities mentioned in division (B)(42)(a), (g), or (h) of this 62902
section, to persons engaged in making retail sales, or to persons 62903
who purchase for sale from a manufacturer tangible personal 62904
property that was produced by the manufacturer in accordance with 62905
specific designs provided by the purchaser, of packages, including 62906
material, labels, and parts for packages, and of machinery, 62907
equipment, and material for use primarily in packaging tangible 62908
personal property produced for sale, including any machinery, 62909
equipment, and supplies used to make labels or packages, to 62910
prepare packages or products for labeling, or to label packages or 62911
products, by or on the order of the person doing the packaging, or 62912
sold at retail. "Packages" includes bags, baskets, cartons, 62913
crates, boxes, cans, bottles, bindings, wrappings, and other 62914
similar devices and containers, but does not include motor 62915
vehicles or bulk tanks, trailers, or similar devices attached to 62916
motor vehicles. "Packaging" means placing in a package. Division 62917
(B)(15) of this section does not apply to persons engaged in 62918
highway transportation for hire. 62919

(16) Sales of food to persons using supplemental nutrition 62920
assistance program benefits to purchase the food. As used in this 62921
division, "food" has the same meaning as in 7 U.S.C. 2012 and 62922
federal regulations adopted pursuant to the Food and Nutrition Act 62923
of 2008. 62924

(17) Sales to persons engaged in farming, agriculture, 62925
horticulture, or floriculture, of tangible personal property for 62926
use or consumption primarily in the production by farming, 62927
agriculture, horticulture, or floriculture of other tangible 62928

personal property for use or consumption primarily in the 62929
production of tangible personal property for sale by farming, 62930
agriculture, horticulture, or floriculture; or material and parts 62931
for incorporation into any such tangible personal property for use 62932
or consumption in production; and of tangible personal property 62933
for such use or consumption in the conditioning or holding of 62934
products produced by and for such use, consumption, or sale by 62935
persons engaged in farming, agriculture, horticulture, or 62936
floriculture, except where such property is incorporated into real 62937
property; 62938

(18) Sales of drugs for a human being that may be dispensed 62939
only pursuant to a prescription; insulin as recognized in the 62940
official United States pharmacopoeia; urine and blood testing 62941
materials when used by diabetics or persons with hypoglycemia to 62942
test for glucose or acetone; hypodermic syringes and needles when 62943
used by diabetics for insulin injections; epoetin alfa when 62944
purchased for use in the treatment of persons with medical 62945
disease; hospital beds when purchased by hospitals, nursing homes, 62946
or other medical facilities; and medical oxygen and medical 62947
oxygen-dispensing equipment when purchased by hospitals, nursing 62948
homes, or other medical facilities; 62949

(19) Sales of prosthetic devices, durable medical equipment 62950
for home use, or mobility enhancing equipment, when made pursuant 62951
to a prescription and when such devices or equipment are for use 62952
by a human being. 62953

(20) Sales of emergency and fire protection vehicles and 62954
equipment to nonprofit organizations for use solely in providing 62955
fire protection and emergency services, including trauma care and 62956
emergency medical services, for political subdivisions of the 62957
state; 62958

(21) Sales of tangible personal property manufactured in this 62959
state, if sold by the manufacturer in this state to a retailer for 62960

use in the retail business of the retailer outside of this state 62961
and if possession is taken from the manufacturer by the purchaser 62962
within this state for the sole purpose of immediately removing the 62963
same from this state in a vehicle owned by the purchaser; 62964

(22) Sales of services provided by the state or any of its 62965
political subdivisions, agencies, instrumentalities, institutions, 62966
or authorities, or by governmental entities of the state or any of 62967
its political subdivisions, agencies, instrumentalities, 62968
institutions, or authorities; 62969

(23) Sales of motor vehicles to nonresidents of this state 62970
under the circumstances described in division (B) of section 62971
5739.029 of the Revised Code; 62972

(24) Sales to persons engaged in the preparation of eggs for 62973
sale of tangible personal property used or consumed directly in 62974
such preparation, including such tangible personal property used 62975
for cleaning, sanitizing, preserving, grading, sorting, and 62976
classifying by size; packages, including material and parts for 62977
packages, and machinery, equipment, and material for use in 62978
packaging eggs for sale; and handling and transportation equipment 62979
and parts therefor, except motor vehicles licensed to operate on 62980
public highways, used in intraplant or interplant transfers or 62981
shipment of eggs in the process of preparation for sale, when the 62982
plant or plants within or between which such transfers or 62983
shipments occur are operated by the same person. "Packages" 62984
includes containers, cases, baskets, flats, fillers, filler flats, 62985
cartons, closure materials, labels, and labeling materials, and 62986
"packaging" means placing therein. 62987

(25)(a) Sales of water to a consumer for residential use; 62988

(b) Sales of water by a nonprofit corporation engaged 62989
exclusively in the treatment, distribution, and sale of water to 62990
consumers, if such water is delivered to consumers through pipes 62991

or tubing.	62992
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	62993 62994
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	62995 62996 62997 62998
(a) To prepare food for human consumption for sale;	62999
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	63000 63001 63002 63003
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	63004 63005
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	63006 63007
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	63008 63009 63010 63011
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	63012 63013 63014
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	63015 63016 63017
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation	63018 63019 63020 63021

for hire, except for packages and packaging used for the 63022
transportation of tangible personal property; 63023

(33) Sales to the state headquarters of any veterans' 63024
organization in this state that is either incorporated and issued 63025
a charter by the congress of the United States or is recognized by 63026
the United States veterans administration, for use by the 63027
headquarters; 63028

(34) Sales to a telecommunications service vendor, mobile 63029
telecommunications service vendor, or satellite broadcasting 63030
service vendor of tangible personal property and services used 63031
directly and primarily in transmitting, receiving, switching, or 63032
recording any interactive, one- or two-way electromagnetic 63033
communications, including voice, image, data, and information, 63034
through the use of any medium, including, but not limited to, 63035
poles, wires, cables, switching equipment, computers, and record 63036
storage devices and media, and component parts for the tangible 63037
personal property. The exemption provided in this division shall 63038
be in lieu of all other exemptions under division (B)(42)(a) or 63039
(n) of this section to which the vendor may otherwise be entitled, 63040
based upon the use of the thing purchased in providing the 63041
telecommunications, mobile telecommunications, or satellite 63042
broadcasting service. 63043

(35)(a) Sales where the purpose of the consumer is to use or 63044
consume the things transferred in making retail sales and 63045
consisting of newspaper inserts, catalogues, coupons, flyers, gift 63046
certificates, or other advertising material that prices and 63047
describes tangible personal property offered for retail sale. 63048

(b) Sales to direct marketing vendors of preliminary 63049
materials such as photographs, artwork, and typesetting that will 63050
be used in printing advertising material; and of printed matter 63051
that offers free merchandise or chances to win sweepstake prizes 63052
and that is mailed to potential customers with advertising 63053

material described in division (B)(35)(a) of this section; 63054

(c) Sales of equipment such as telephones, computers, 63055
facsimile machines, and similar tangible personal property 63056
primarily used to accept orders for direct marketing retail sales. 63057

(d) Sales of automatic food vending machines that preserve 63058
food with a shelf life of forty-five days or less by refrigeration 63059
and dispense it to the consumer. 63060

For purposes of division (B)(35) of this section, "direct 63061
marketing" means the method of selling where consumers order 63062
tangible personal property by United States mail, delivery 63063
service, or telecommunication and the vendor delivers or ships the 63064
tangible personal property sold to the consumer from a warehouse, 63065
catalogue distribution center, or similar fulfillment facility by 63066
means of the United States mail, delivery service, or common 63067
carrier. 63068

(36) Sales to a person engaged in the business of 63069
horticulture or producing livestock of materials to be 63070
incorporated into a horticulture structure or livestock structure; 63071

(37) Sales of personal computers, computer monitors, computer 63072
keyboards, modems, and other peripheral computer equipment to an 63073
individual who is licensed or certified to teach in an elementary 63074
or a secondary school in this state for use by that individual in 63075
preparation for teaching elementary or secondary school students; 63076

(38) Sales of tangible personal property that is not required 63077
to be registered or licensed under the laws of this state to a 63078
citizen of a foreign nation that is not a citizen of the United 63079
States, provided the property is delivered to a person in this 63080
state that is not a related member of the purchaser, is physically 63081
present in this state for the sole purpose of temporary storage 63082
and package consolidation, and is subsequently delivered to the 63083
purchaser at a delivery address in a foreign nation. As used in 63084

division (B)(38) of this section, "related member" has the same 63085
meaning as in section 5733.042 of the Revised Code, and "temporary 63086
storage" means the storage of tangible personal property for a 63087
period of not more than sixty days. 63088

(39) Sales of used manufactured homes and used mobile homes, 63089
as defined in section 5739.0210 of the Revised Code, made on or 63090
after January 1, 2000; 63091

(40) Sales of tangible personal property and services to a 63092
provider of electricity used or consumed directly and primarily in 63093
generating, transmitting, or distributing electricity for use by 63094
others, including property that is or is to be incorporated into 63095
and will become a part of the consumer's production, transmission, 63096
or distribution system and that retains its classification as 63097
tangible personal property after incorporation; fuel or power used 63098
in the production, transmission, or distribution of electricity; 63099
energy conversion equipment as defined in section 5727.01 of the 63100
Revised Code; and tangible personal property and services used in 63101
the repair and maintenance of the production, transmission, or 63102
distribution system, including only those motor vehicles as are 63103
specially designed and equipped for such use. The exemption 63104
provided in this division shall be in lieu of all other exemptions 63105
in division (B)(42)(a) or (n) of this section to which a provider 63106
of electricity may otherwise be entitled based on the use of the 63107
tangible personal property or service purchased in generating, 63108
transmitting, or distributing electricity. 63109

(41) Sales to a person providing services under division 63110
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 63111
personal property and services used directly and primarily in 63112
providing taxable services under that section. 63113

(42) Sales where the purpose of the purchaser is to do any of 63114
the following: 63115

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	63116 63117 63118 63119 63120 63121 63122 63123 63124 63125 63126 63127 63128
(b) To hold the thing transferred as security for the performance of an obligation of the vendor;	63129 63130
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	63131 63132
(d) To use or consume the thing directly in commercial fishing;	63133 63134
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	63135 63136 63137 63138
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	63139 63140 63141 63142 63143
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	63144 63145 63146

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service

listed in division (B)(3) of section 5739.01 of the Revised Code, 63178
if the property is or is to be permanently transferred to the 63179
consumer of the service as an integral part of the performance of 63180
the service; 63181

(n) To use or consume the thing transferred primarily in 63182
producing tangible personal property for sale by farming, 63183
agriculture, horticulture, or floriculture. Persons engaged in 63184
rendering farming, agriculture, horticulture, or floriculture 63185
services for others are deemed engaged primarily in farming, 63186
agriculture, horticulture, or floriculture. This paragraph does 63187
not exempt from "retail sale" or "sales at retail" the sale of 63188
tangible personal property that is to be incorporated into a 63189
structure or improvement to real property. 63190

(o) To use or consume the thing transferred in acquiring, 63191
formatting, editing, storing, and disseminating data or 63192
information by electronic publishing; 63193

(p) To provide the thing transferred to the owner or lessee 63194
of a motor vehicle that is being repaired or serviced, if the 63195
thing transferred is a rented motor vehicle and the purchaser is 63196
reimbursed for the cost of the rented motor vehicle by a 63197
manufacturer, warrantor, or provider of a maintenance, service, or 63198
other similar contract or agreement, with respect to the motor 63199
vehicle that is being repaired or serviced; 63200

(q) To use or consume the thing transferred directly in 63201
production of crude oil and natural gas for sale. Persons engaged 63202
in rendering production services for others are deemed engaged in 63203
production. 63204

As used in division (B)(42)(q) of this section, "production" 63205
means operations and tangible personal property directly used to 63206
expose and evaluate an underground reservoir that may contain 63207
hydrocarbon resources, prepare the wellbore for production, and 63208

lift and control all substances yielded by the reservoir to the surface of the earth. 63209
63210

(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following: 63211
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63213

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments; 63214
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63216

(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs; 63217
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63219

(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services; 63220
63221
63222

(IV) Casing, tubulars, and float and centralizing equipment; 63223

(V) Trailers to which production equipment is attached; 63224

(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services; 63225
63226
63227

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services; 63228
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63230

(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole; 63231
63232
63233
63234

(IX) Pressure pumping equipment; 63235

(X) Artificial lift systems equipment; 63236

(XI) Wellhead equipment and well site equipment used to 63237

separate, stabilize, and control hydrocarbon phases and produced water;	63238 63239
(XII) Tangible personal property directly used to control production equipment.	63240 63241
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	63242 63243
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	63244 63245 63246
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	63247 63248 63249
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	63250 63251 63252
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	63253 63254 63255 63256
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	63257 63258 63259 63260
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	63261 63262
(VII) Well site fencing, lighting, or security systems;	63263
(VIII) Communication devices or services;	63264
(IX) Office supplies;	63265
(X) Trailers used as offices or lodging;	63266

(XI) Motor vehicles of any kind;	63267
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	63268 63269
(XIII) Tangible personal property used primarily as a safety device;	63270 63271
(XIV) Data collection or monitoring devices;	63272
(XV) Access ladders, stairs, or platforms attached to storage tanks.	63273 63274
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	63275 63276 63277 63278 63279
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	63280 63281 63282 63283
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	63284 63285 63286
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	63287 63288 63289 63290 63291 63292 63293
(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and	63294 63295 63296

sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of

a specific type, or make, model, and series of aircraft cockpit. 63328
It includes the assemblage of equipment and computer programs 63329
necessary to represent aircraft operations in ground and flight 63330
conditions, a visual system providing an out-of-the-cockpit view, 63331
and a system that provides cues at least equivalent to those of a 63332
three-degree-of-freedom motion system, and has the full range of 63333
capabilities of the systems installed in the device as described 63334
in appendices A and B of part 60 of chapter 1 of title 14 of the 63335
Code of Federal Regulations. 63336

(51) Any transfer or lease of tangible personal property 63337
between the state and JobsOhio in accordance with section 4313.02 63338
of the Revised Code. 63339

(52)(a) Sales to a qualifying corporation. 63340

(b) As used in division (B)(52) of this section: 63341

(i) "Qualifying corporation" means a nonprofit corporation 63342
organized in this state that leases from an eligible county land, 63343
buildings, structures, fixtures, and improvements to the land that 63344
are part of or used in a public recreational facility used by a 63345
major league professional athletic team or a class A to class AAA 63346
minor league affiliate of a major league professional athletic 63347
team for a significant portion of the team's home schedule, 63348
provided the following apply: 63349

(I) The facility is leased from the eligible county pursuant 63350
to a lease that requires substantially all of the revenue from the 63351
operation of the business or activity conducted by the nonprofit 63352
corporation at the facility in excess of operating costs, capital 63353
expenditures, and reserves to be paid to the eligible county at 63354
least once per calendar year. 63355

(II) Upon dissolution and liquidation of the nonprofit 63356
corporation, all of its net assets are distributable to the board 63357
of commissioners of the eligible county from which the corporation 63358

leases the facility. 63359

(ii) "Eligible county" has the same meaning as in section 63360
307.695 of the Revised Code. 63361

(53) Sales to or by a cable service provider, video service 63362
provider, or radio or television broadcast station regulated by 63363
the federal government of cable service or programming, video 63364
service or programming, audio service or programming, or 63365
electronically transferred digital audiovisual or audio work. As 63366
used in division (B)(53) of this section, "cable service" and 63367
"cable service provider" have the same meanings as in section 63368
1332.01 of the Revised Code, and "video service," "video service 63369
provider," and "video programming" have the same meanings as in 63370
section 1332.21 of the Revised Code. 63371

(54) Sales of a digital audio work electronically transferred 63372
for delivery through use of a machine, such as a juke box, that 63373
does all of the following: 63374

(a) Accepts direct payments to operate; 63375

(b) Automatically plays a selected digital audio work for a 63376
single play upon receipt of a payment described in division 63377
(B)(54)(a) of this section; 63378

(c) Operates exclusively for the purpose of playing digital 63379
audio works in a commercial establishment. 63380

(55)(a) Sales of the following occurring on the first Friday 63381
of August and the following Saturday and Sunday of each year, 63382
beginning in 2018: 63383

(i) An item of clothing, the price of which is seventy-five 63384
dollars or less; 63385

(ii) An item of school supplies, the price of which is twenty 63386
dollars or less; 63387

(iii) An item of school instructional material, the price of 63388

which is twenty dollars or less. 63389

(b) As used in division (B)(55) of this section: 63390

(i) "Clothing" means all human wearing apparel suitable for 63391
general use. "Clothing" includes, but is not limited to, aprons, 63392
household and shop; athletic supporters; baby receiving blankets; 63393
bathing suits and caps; beach capes and coats; belts and 63394
suspenders; boots; coats and jackets; costumes; diapers, children 63395
and adult, including disposable diapers; earmuffs; footlets; 63396
formal wear; garters and garter belts; girdles; gloves and mittens 63397
for general use; hats and caps; hosiery; insoles for shoes; lab 63398
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 63399
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 63400
and stockings; steel-toed shoes; underwear; uniforms, athletic and 63401
nonathletic; and wedding apparel. "Clothing" does not include 63402
items purchased for use in a trade or business; clothing 63403
accessories or equipment; protective equipment; sports or 63404
recreational equipment; belt buckles sold separately; costume 63405
masks sold separately; patches and emblems sold separately; sewing 63406
equipment and supplies including, but not limited to, knitting 63407
needles, patterns, pins, scissors, sewing machines, sewing 63408
needles, tape measures, and thimbles; and sewing materials that 63409
become part of "clothing" including, but not limited to, buttons, 63410
fabric, lace, thread, yarn, and zippers. 63411

(ii) "School supplies" means items commonly used by a student 63412
in a course of study. "School supplies" includes only the 63413
following items: binders; book bags; calculators; cellophane tape; 63414
blackboard chalk; compasses; composition books; crayons; erasers; 63415
folders, expandable, pocket, plastic, and manila; glue, paste, and 63416
paste sticks; highlighters; index cards; index card boxes; legal 63417
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 63418
notebook paper, copy paper, graph paper, tracing paper, manila 63419
paper, colored paper, poster board, and construction paper; pencil 63420

boxes and other school supply boxes; pencil sharpeners; pencils; 63421
pens; protractors; rulers; scissors; and writing tablets. "School 63422
supplies" does not include any item purchased for use in a trade 63423
or business. 63424

(iii) "School instructional material" means written material 63425
commonly used by a student in a course of study as a reference and 63426
to learn the subject being taught. "School instructional material" 63427
includes only the following items: reference books, reference maps 63428
and globes, textbooks, and workbooks. "School instructional 63429
material" does not include any material purchased for use in a 63430
trade or business. 63431

(56)(a) Sales of diapers or incontinence underpads sold 63432
pursuant to a prescription, for the benefit of a medicaid 63433
recipient with a diagnosis of incontinence, and by a medicaid 63434
provider that maintains a valid provider agreement under section 63435
5164.30 of the Revised Code with the department of medicaid, 63436
provided that the medicaid program covers diapers or incontinence 63437
underpads as an incontinence garment. 63438

(b) As used in division (B)(56)(a) of this section: 63439

(i) "Diaper" means an absorbent garment worn by humans who 63440
are incapable of, or have difficulty, controlling their bladder or 63441
bowel movements. 63442

(ii) "Incontinence underpad" means an absorbent product, not 63443
worn on the body, designed to protect furniture or other tangible 63444
personal property from soiling or damage due to human 63445
incontinence. 63446

(57) Sales of investment metal bullion and investment coins. 63447
"Investment metal bullion" means any bullion described in section 63448
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 63449
that bullion is in the physical possession of a trustee. 63450
"Investment coin" means any coin composed primarily of gold, 63451

silver, platinum, or palladium. 63452

(C) For the purpose of the proper administration of this 63453
chapter, and to prevent the evasion of the tax, it is presumed 63454
that all sales made in this state are subject to the tax until the 63455
contrary is established. 63456

(D) The tax collected by the vendor from the consumer under 63457
this chapter is not part of the price, but is a tax collection for 63458
the benefit of the state, and of counties levying an additional 63459
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 63460
Code and of transit authorities levying an additional sales tax 63461
pursuant to section 5739.023 of the Revised Code. Except for the 63462
discount authorized under section 5739.12 of the Revised Code and 63463
the effects of any rounding pursuant to section 5703.055 of the 63464
Revised Code, no person other than the state or such a county or 63465
transit authority shall derive any benefit from the collection or 63466
payment of the tax levied by this section or section 5739.021, 63467
5739.023, or 5739.026 of the Revised Code. 63468

Sec. 5739.021. (A) For the purpose of providing additional 63469
general revenues for the county, supporting criminal and 63470
administrative justice services in the county, funding a regional 63471
transportation improvement project under section 5595.06 of the 63472
Revised Code, or any combination of the foregoing, and to pay the 63473
expenses of administering such levy, any county may levy a tax at 63474
the rate of not more than one per cent upon every retail sale made 63475
in the county, except sales of watercraft and outboard motors 63476
required to be titled pursuant to Chapter 1548. of the Revised 63477
Code and sales of motor vehicles, and may increase the rate of an 63478
existing tax to not more than one per cent. The rate of any tax 63479
levied pursuant to this section shall be a multiple of 63480
one-twentieth of one per cent. The rate levied under this section 63481
in any county other than a county that adopted a charter under 63482

Article X, Section 3, Ohio Constitution, may exceed one per cent, 63483
but may not exceed one and one-half per cent minus the amount by 63484
which the rate levied under section 5739.023 of the Revised Code 63485
by the county transit authority exceeds one per cent. 63486

The tax shall be levied and the rate increased pursuant to a 63487
resolution of the board of county commissioners. The resolution 63488
shall state the purpose for which the tax is to be levied and the 63489
number of years for which the tax is to be levied, or that it is 63490
for a continuing period of time. If the tax is to be levied for 63491
the purpose of providing additional general revenues and for the 63492
purpose of supporting criminal and administrative justice 63493
services, the resolution shall state the rate or amount of the tax 63494
to be apportioned to each such purpose. The rate or amount may be 63495
different for each year the tax is to be levied, but the rates or 63496
amounts actually apportioned each year shall not be different from 63497
that stated in the resolution for that year. Any amount by which 63498
the rate of the tax exceeds one per cent shall be apportioned 63499
exclusively for the construction, operation, acquisition, 63500
equipping, or repair of a detention facility in the county. 63501

If the resolution is adopted as an emergency measure 63502
necessary for the immediate preservation of the public peace, 63503
health, or safety, it must receive an affirmative vote of all of 63504
the members of the board of county commissioners and shall state 63505
the reasons for such necessity. The board shall deliver a 63506
certified copy of the resolution to the tax commissioner, not 63507
later than the sixty-fifth day prior to the date on which the tax 63508
is to become effective, which shall be the first day of the 63509
calendar quarter. A resolution proposing to levy a tax at a rate 63510
that would cause the rate levied under this section to exceed one 63511
per cent may not be adopted as an emergency measure. 63512

Prior to the adoption of any resolution under this section, 63513

the board of county commissioners shall conduct two public 63514
hearings on the resolution, the second hearing to be not less than 63515
three nor more than ten days after the first. Notice of the date, 63516
time, and place of the hearings shall be given by publication in a 63517
newspaper of general circulation in the county, or as provided in 63518
section 7.16 of the Revised Code, once a week on the same day of 63519
the week for two consecutive weeks, the second publication being 63520
not less than ten nor more than thirty days prior to the first 63521
hearing. 63522

Except as provided in division (B)(1) or (3) of this section, 63523
the resolution shall be subject to a referendum as provided in 63524
sections 305.31 to 305.41 of the Revised Code. 63525

If a petition for a referendum is filed, the county auditor 63526
with whom the petition was filed shall, within five days, notify 63527
the board of county commissioners and the tax commissioner of the 63528
filing of the petition by certified mail. If the board of 63529
elections with which the petition was filed declares the petition 63530
invalid, the board of elections, within five days, shall notify 63531
the board of county commissioners and the tax commissioner of that 63532
declaration by certified mail. If the petition is declared to be 63533
invalid, the effective date of the tax or increased rate of tax 63534
levied by this section shall be the first day of a calendar 63535
quarter following the expiration of sixty-five days from the date 63536
the commissioner receives notice from the board of elections that 63537
the petition is invalid. 63538

(B)(1) A resolution that is not adopted as an emergency 63539
measure may direct the board of elections to submit the question 63540
of levying the tax or increasing the rate of tax to the electors 63541
of the county at a special election held on the date specified by 63542
the board of county commissioners in the resolution, provided that 63543
the election occurs not less than ninety days after a certified 63544
copy of such resolution is transmitted to the board of elections 63545

and the election is not held in August of any year. A resolution 63546
proposing to levy a tax at a rate that would cause the rate levied 63547
under this section to exceed one per cent may not go into effect 63548
unless the question is submitted to electors under this division. 63549
Upon transmission of the resolution to the board of elections, the 63550
board of county commissioners shall notify the tax commissioner in 63551
writing of the levy question to be submitted to the electors. No 63552
resolution adopted under this division shall go into effect unless 63553
approved by a majority of those voting upon it, and, except as 63554
provided in division (B)(3) of this section, shall become 63555
effective on the first day of a calendar quarter following the 63556
expiration of sixty-five days from the date the tax commissioner 63557
receives notice from the board of elections of the affirmative 63558
vote. 63559

(2) A resolution that is adopted as an emergency measure 63560
shall go into effect as provided in division (A) of this section, 63561
but may direct the board of elections to submit the question of 63562
repealing the tax or increase in the rate of the tax to the 63563
electors of the county at the next general election in the county 63564
occurring not less than ninety days after a certified copy of the 63565
resolution is transmitted to the board of elections. Upon 63566
transmission of the resolution to the board of elections, the 63567
board of county commissioners shall notify the tax commissioner in 63568
writing of the levy question to be submitted to the electors. The 63569
ballot question shall be the same as that prescribed in section 63570
5739.022 of the Revised Code. The board of elections shall notify 63571
the board of county commissioners and the tax commissioner of the 63572
result of the election immediately after the result has been 63573
declared. If a majority of the qualified electors voting on the 63574
question of repealing the tax or increase in the rate of the tax 63575
vote for repeal of the tax or repeal of the increase, the board of 63576
county commissioners, on the first day of a calendar quarter 63577
following the expiration of sixty-five days after the date the 63578

board and tax commissioner receive notice of the result of the 63579
election, shall, in the case of a repeal of the tax, cease to levy 63580
the tax, or, in the case of a repeal of an increase in the rate of 63581
the tax, cease to levy the increased rate and levy the tax at the 63582
rate at which it was imposed immediately prior to the increase in 63583
rate. 63584

(3) If a vendor makes a sale in this state by printed catalog 63585
and the consumer computed the tax on the sale based on local rates 63586
published in the catalog, any tax levied or repealed or rate 63587
changed under this section shall not apply to such a sale until 63588
the first day of a calendar quarter following the expiration of 63589
one hundred twenty days from the date of notice by the tax 63590
commissioner pursuant to division (H) of this section. 63591

(C) If a resolution is rejected at a referendum or if a 63592
resolution adopted after January 1, 1982, as an emergency measure 63593
is repealed by the electors pursuant to division (B)(2) of this 63594
section or section 5739.022 of the Revised Code, then for one year 63595
after the date of the election at which the resolution was 63596
rejected or repealed the board of county commissioners may not 63597
adopt any resolution authorized by this section as an emergency 63598
measure. 63599

(D) The board of county commissioners, at any time while a 63600
tax levied under this section is in effect, may by resolution 63601
reduce the rate at which the tax is levied to a lower rate 63602
authorized by this section. Any reduction in the rate at which the 63603
tax is levied shall be made effective on the first day of a 63604
calendar quarter next following the sixty-fifth day after a 63605
certified copy of the resolution is delivered to the tax 63606
commissioner. 63607

(E) The tax on every retail sale subject to a tax levied 63608
pursuant to this section shall be in addition to the tax levied by 63609
section 5739.02 of the Revised Code and any tax levied pursuant to 63610

section 5739.023 or 5739.026 of the Revised Code. 63611

A county that levies a tax pursuant to this section shall 63612
levy a tax at the same rate pursuant to section 5741.021 of the 63613
Revised Code. 63614

The additional tax levied by the county shall be collected 63615
pursuant to section 5739.025 of the Revised Code. If the 63616
additional tax or some portion thereof is levied for the purpose 63617
of criminal and administrative justice services or specifically 63618
for the purpose of constructing, operating, acquiring, equipping, 63619
or repairing a detention facility, the revenue from the tax, or 63620
the amount or rate apportioned to that purpose, shall be credited 63621
to one or more special funds created in the county treasury for 63622
receipt of that revenue. 63623

Any tax levied pursuant to this section is subject to the 63624
exemptions provided in section 5739.02 of the Revised Code and in 63625
addition shall not be applicable to sales not within the taxing 63626
power of a county under the Constitution of the United States or 63627
the Ohio Constitution. 63628

(F) For purposes of this section, a copy of a resolution is 63629
"certified" when it contains a written statement attesting that 63630
the copy is a true and exact reproduction of the original 63631
resolution. 63632

(G) If a board of commissioners intends to adopt a resolution 63633
to levy a tax in whole or in part for the purpose of criminal and 63634
administrative justice services, the board shall prepare and make 63635
available at the first public hearing at which the resolution is 63636
considered a statement containing the following information: 63637

(1) For each of the two preceding fiscal years, the amount of 63638
expenditures made by the county from the county general fund for 63639
the purpose of criminal and administrative justice services; 63640

(2) For the fiscal year in which the resolution is adopted, 63641

the board's estimate of the amount of expenditures to be made by 63642
the county from the county general fund for the purpose of 63643
criminal and administrative justice services; 63644

(3) For each of the two fiscal years after the fiscal year in 63645
which the resolution is adopted, the board's preliminary plan for 63646
expenditures to be made from the county general fund for the 63647
purpose of criminal and administrative justice services, both 63648
under the assumption that the tax will be imposed for that purpose 63649
and under the assumption that the tax would not be imposed for 63650
that purpose, and for expenditures to be made from the special 63651
fund created under division (E) of this section under the 63652
assumption that the tax will be imposed for that purpose. 63653

The board shall prepare the statement and the preliminary 63654
plan using the best information available to the board at the time 63655
the statement is prepared. Neither the statement nor the 63656
preliminary plan shall be used as a basis to challenge the 63657
validity of the tax in any court of competent jurisdiction, nor 63658
shall the statement or preliminary plan limit the authority of the 63659
board to appropriate, pursuant to section 5705.38 of the Revised 63660
Code, an amount different from that specified in the preliminary 63661
plan. 63662

(H) Upon receipt from a board of county commissioners of a 63663
certified copy of a resolution required by division (A) or (D) of 63664
this section, or from the board of elections of a notice of the 63665
results of an election required by division (A) or (B)(1) or (2) 63666
of this section, the tax commissioner shall provide notice of a 63667
tax rate change in a manner that is reasonably accessible to all 63668
affected vendors. The commissioner shall provide this notice at 63669
least sixty days prior to the effective date of the rate change. 63670
The commissioner, by rule, may establish the method by which 63671
notice will be provided. 63672

(I) As used in this section: 63673

(1) "Criminal and administrative justice services" means the 63674
exercise by the county sheriff of all powers and duties vested in 63675
that office by law; the exercise by the county prosecuting 63676
attorney of all powers and duties vested in that office by law; 63677
the exercise by any court in the county of all powers and duties 63678
vested in that court; the exercise by the clerk of the court of 63679
common pleas, any clerk of a municipal court having jurisdiction 63680
throughout the county, or the clerk of any county court of all 63681
powers and duties vested in the clerk by law except, in the case 63682
of the clerk of the court of common pleas, the titling of motor 63683
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 63684
Revised Code; the exercise by the county coroner of all powers and 63685
duties vested in that office by law; making payments to any other 63686
public agency or a private, nonprofit agency, the purposes of 63687
which in the county include the diversion, adjudication, 63688
detention, or rehabilitation of criminals or juvenile offenders; 63689
the operation and maintenance of any detention facility; and the 63690
construction, acquisition, equipping, or repair of such a 63691
detention facility. 63692

(2) "Detention facility" has the same meaning as in section 63693
2921.01 of the Revised Code. 63694

(3) "Construction, operation, acquisition, equipping, or 63695
repair" of a detention facility includes the payment of any debt 63696
charges incurred in the issuance of securities pursuant to Chapter 63697
133. of the Revised Code for the purpose of constructing, 63698
acquiring, equipping, or repairing such a facility. 63699

Sec. 5741.01. As used in this chapter: 63700

(A) "Person" includes individuals, receivers, assignees, 63701
trustees in bankruptcy, estates, firms, partnerships, 63702
associations, joint-stock companies, joint ventures, clubs, 63703
societies, corporations, business trusts, governments, and 63704

combinations of individuals of any form. 63705

(B) "Storage" means and includes any keeping or retention in 63706
this state for use or other consumption in this state. 63707

(C) "Use" means and includes the exercise of any right or 63708
power incidental to the ownership of the thing used. A thing is 63709
also "used" in this state if its consumer gives or otherwise 63710
distributes it, without charge, to recipients in this state. 63711

(D) "Purchase" means acquired or received for a 63712
consideration, whether such acquisition or receipt was effected by 63713
a transfer of title, or of possession, or of both, or a license to 63714
use or consume; whether such transfer was absolute or conditional, 63715
and by whatever means the transfer was effected; and whether the 63716
consideration was money, credit, barter, or exchange. Purchase 63717
includes production, even though the article produced was used, 63718
stored, or consumed by the producer. The transfer of copyrighted 63719
motion picture films for exhibition purposes is not a purchase, 63720
except such films as are used solely for advertising purposes. 63721

(E) "Seller" means the person from whom a purchase is made, 63722
and includes every person engaged in this state or elsewhere in 63723
the business of selling tangible personal property or providing a 63724
service for storage, use, or other consumption or benefit in this 63725
state; and when, in the opinion of the tax commissioner, it is 63726
necessary for the efficient administration of this chapter, to 63727
regard any salesperson, representative, peddler, or canvasser as 63728
the agent of a dealer, distributor, supervisor, or employer under 63729
whom the person operates, or from whom the person obtains tangible 63730
personal property, sold by the person for storage, use, or other 63731
consumption in this state, irrespective of whether or not the 63732
person is making such sales on the person's own behalf, or on 63733
behalf of such dealer, distributor, supervisor, or employer, the 63734
commissioner may regard the person as such agent, and may regard 63735
such dealer, distributor, supervisor, or employer as the seller. A 63736

marketplace facilitator shall be treated as the "seller" with 63737
respect to all sales facilitated by the marketplace facilitator on 63738
behalf of one or more marketplace sellers on and after the first 63739
day of the first month that begins at least thirty days after the 63740
marketplace facilitator first has substantial nexus with this 63741
state. Otherwise, "seller" does not include any person to the 63742
extent the person provides a communications medium, such as, but 63743
not limited to, newspapers, magazines, radio, television, or cable 63744
television, by means of which sellers solicit purchases of their 63745
goods or services. 63746

(F) "Consumer" means any person who has purchased tangible 63747
personal property or has been provided a service for storage, use, 63748
or other consumption or benefit in this state. "Consumer" does not 63749
include a person who receives, without charge, tangible personal 63750
property or a service. 63751

A person who performs a facility management or similar 63752
service contract for a contractee is a consumer of all tangible 63753
personal property and services purchased for use in connection 63754
with the performance of such contract, regardless of whether title 63755
to any such property vests in the contractee. The purchase of such 63756
property and services is not subject to the exception for resale 63757
under division (E) of section 5739.01 of the Revised Code. 63758

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 63759
of this section, has the same meaning as in division (H)(1) of 63760
section 5739.01 of the Revised Code. 63761

(2) In the case of watercraft, outboard motors, or new motor 63762
vehicles, "price" has the same meaning as in divisions (H)(2) and 63763
(3) of section 5739.01 of the Revised Code. 63764

(3) In the case of a nonresident business consumer that 63765
purchases and uses tangible personal property outside this state 63766
and subsequently temporarily stores, uses, or otherwise consumes 63767

such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with

Section 8 of Article I of the Constitution of the United States, 63799
to allow the state to require the seller to collect and remit use 63800
tax on sales of tangible personal property or services made to 63801
consumers in this state. 63802

(2) "Substantial nexus with this state" is presumed to exist 63803
when the seller does any of the following: 63804

(a) Uses an office, distribution facility, warehouse, storage 63805
facility, or similar place of business within this state, whether 63806
operated by the seller or any other person, other than a common 63807
carrier acting in its capacity as a common carrier. 63808

(b) Regularly uses employees, agents, representatives, 63809
solicitors, installers, repairers, salespersons, or other persons 63810
in this state for the purpose of conducting the business of the 63811
seller or either to engage in a business with the same or a 63812
similar industry classification as the seller selling a similar 63813
product or line of products as the seller, or to use trademarks, 63814
service marks, or trade names in this state that are the same or 63815
substantially similar to those used by the seller. 63816

(c) Uses any person, other than a common carrier acting in 63817
its capacity as a common carrier, in this state for any of the 63818
following purposes: 63819

(i) Receiving or processing orders of the seller's goods or 63820
services; 63821

(ii) Using that person's employees or facilities in this 63822
state to advertise, promote, or facilitate sales by the seller to 63823
customers; 63824

(iii) Delivering, installing, assembling, or performing 63825
maintenance services for the seller's customers; 63826

(iv) Facilitating the seller's delivery of tangible personal 63827
property to customers in this state by allowing the seller's 63828

customers to pick up property sold by the seller at an office, 63829
distribution facility, warehouse, storage facility, or similar 63830
place of business. 63831

(d) Makes regular deliveries of tangible personal property 63832
into this state by means other than common carrier. 63833

(e) Has an affiliated person that has substantial nexus with 63834
this state. 63835

(f) Owns tangible personal property that is rented or leased 63836
to a consumer in this state, or offers tangible personal property, 63837
on approval, to consumers in this state. 63838

(g) Has gross receipts in excess of one hundred thousand 63839
dollars in the current or preceding calendar year from the sale of 63840
tangible personal property for storage, use, or consumption in 63841
this state or from providing services the benefit of which is 63842
realized in this state. 63843

(h) Engages, in the current or preceding calendar year, in 63844
two hundred or more separate transactions selling tangible 63845
personal property for storage, use, or consumption in this state 63846
or providing services the benefit of which is realized in this 63847
state. 63848

(3) A seller presumed to have substantial nexus with this 63849
state under divisions (I)(2)(a) to (f), (g), and (h) of this 63850
section may rebut that presumption by demonstrating that 63851
activities described in any of those divisions that are conducted 63852
by a person in this state on the seller's behalf are not 63853
significantly associated with the seller's ability to establish or 63854
maintain a market in this state for the seller's sales. 63855

(4) A marketplace facilitator is presumed to have substantial 63856
nexus with this state if either of the following apply in the 63857
current or preceding calendar year: 63858

(a) The aggregate gross receipts derived from sales of 63859
tangible personal property for storage, use, or consumption in 63860
this state or services the benefit of which is realized in this 63861
state, including sales made by the marketplace facilitator on its 63862
own behalf and sales facilitated by the marketplace facilitator on 63863
behalf of one or more marketplace sellers, exceed one hundred 63864
thousand dollars; 63865

(b) The marketplace facilitator engages in on its own behalf, 63866
or facilitates on behalf of one or more marketplace sellers, two 63867
hundred or more separate transactions selling tangible personal 63868
property for storage, use, or consumption in this state or 63869
services the benefit of which is realized in this state. 63870

(5) A seller that does not have substantial nexus with this 63871
state, and any affiliated person of the seller, before selling or 63872
leasing tangible personal property or services to a state agency, 63873
shall register with the tax commissioner in the same manner as a 63874
seller described in division (A)(1) of section 5741.17 of the 63875
Revised Code. 63876

(6) As used in division (I) of this section: 63877

(a) "Affiliated person" means any person that is a member of 63878
the same controlled group of corporations as the seller or any 63879
other person that, notwithstanding the form of organization, bears 63880
the same ownership relationship to the seller as a corporation 63881
that is a member of the same controlled group of corporations. 63882

(b) "Controlled group of corporations" has the same meaning 63883
as in section 1563(a) of the Internal Revenue Code. 63884

(c) "State agency" has the same meaning as in section 1.60 of 63885
the Revised Code. 63886

(J) "Fiscal officer" means, with respect to a regional 63887
transit authority, the secretary-treasurer thereof, and with 63888
respect to a county which is a transit authority, the fiscal 63889

officer of the county transit board appointed pursuant to section 63890
306.03 of the Revised Code or, if the board of county 63891
commissioners operates the county transit system, the county 63892
auditor. 63893

(K) "Territory of the transit authority" means all of the 63894
area included within the territorial boundaries of a transit 63895
authority as they from time to time exist. Such territorial 63896
boundaries must at all times include all the area of a single 63897
county or all the area of the most populous county which is a part 63898
of such transit authority. County population shall be measured by 63899
the most recent census taken by the United States census bureau. 63900

(L) "Transit authority" means a regional transit authority 63901
created pursuant to section 306.31 of the Revised Code or a county 63902
in which a county transit system is created pursuant to section 63903
306.01 of the Revised Code. For the purposes of this chapter, a 63904
transit authority must extend to at least the entire area of a 63905
single county. A transit authority which includes territory in 63906
more than one county must include all the area of the most 63907
populous county which is a part of such transit authority. County 63908
population shall be measured by the most recent census taken by 63909
the United States census bureau. 63910

(M) "Providing a service" has the same meaning as in section 63911
5739.01 of the Revised Code. 63912

(N) "Other consumption" includes receiving the benefits of a 63913
service. 63914

(O) "Lease" or "rental" has the same meaning as in section 63915
5739.01 of the Revised Code. 63916

(P) "Certified service provider" has the same meaning as in 63917
section 5740.01 of the Revised Code. 63918

(Q) ~~"Remote sale" means a sale for which the seller could not~~ 63919
~~be legally required to pay, collect, or remit a tax imposed under~~ 63920

~~this chapter or Chapter 5739. of the Revised Code, unless 63921
otherwise provided by the laws of the United States. 63922~~

~~(R) "Remote seller" means a seller that lacks substantial 63923
nexus with this state but is required to register with the tax 63924
commissioner under section 5741.17 of the Revised Code pursuant to 63925
federal law authorizing states to require such sellers to 63926
register, collect, and remit use tax. A seller that is not 63927
required to register with the commissioner under division (A) of 63928
section 5741.17 of the Revised Code but registers voluntarily 63929
under division (B) of that section is not a "remote seller." A 63930
seller that registers with the commissioner under section 5741.17 63931
of the Revised Code after the effective date of any federal law 63932
that authorizes states to require sellers that lack substantial 63933
nexus with the state to register, collect, and remit use tax is 63934
presumed to be a "remote seller." The seller or the commissioner 63935
may rebut this presumption with evidence that the seller has 63936
substantial nexus with this state. 63937~~

~~(S) "Remote small seller" means a remote seller that has 63938
gross annual receipts from remote sales in the United States not 63939
exceeding one million dollars for the preceding calendar year. For 63940
the purposes of determining whether a person is a small remote 63941
seller, the sales of all persons related within the meaning of 63942
subsection (b) or (c) of section 267 or section 707(b)(1) of the 63943
Internal Revenue Code shall be aggregated, and persons with one or 63944
more ownership relationships shall be aggregated if those 63945
relationships were designed with the principal purpose to qualify 63946
as a remote small seller. 63947~~

~~(T) "Marketplace facilitator" means a person that owns, 63948
operates, or controls a physical or electronic marketplace through 63949
which retail sales are facilitated on behalf of one or more 63950
marketplace sellers, or an affiliate of such a person. 63951
"Marketplace facilitator" does not include a person that provides 63952~~

advertising services, including tangible personal property or 63953
services listed for sale, if the advertising service platform or 63954
forum does not engage directly or indirectly through one or more 63955
affiliated persons in the activities described in division ~~(W)(2)~~ 63956
(T)(2) of this section. 63957

~~(U)~~ (R) "Marketplace seller" means a person on behalf of 63958
which a marketplace facilitator facilitates the sale of tangible 63959
personal property for storage, use, or consumption in this state 63960
or services the benefit of which are realized in this state, 63961
regardless of whether or not the person has a substantial nexus 63962
with this state. 63963

~~(V)~~ (S) "Electronic marketplace" includes digital 63964
distribution services, digital distribution platforms, online 63965
portals, application stores, computer software applications, 63966
in-app purchase mechanisms, or other digital products. 63967

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator 63968
on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ 63969
(T)(1), (2), and (3) of this section: 63970

(1) The marketplace facilitator, directly or indirectly, does 63971
any of the following: 63972

(a) Lists, makes available, or advertises the tangible 63973
personal property or services that are the subject of the sale in 63974
a physical or electronic marketplace owned, operated, or 63975
controlled by the marketplace facilitator; 63976

(b) Transmits or otherwise communicates an offer or 63977
acceptance of the sale between the marketplace seller and the 63978
purchaser in a shop, store, booth, catalog, internet site, or 63979
other similar forum; 63980

(c) Owns, rents, licenses, makes available, or operates any 63981
electronic or physical infrastructure or any property, process, 63982
method, copyright, trademark, or patent that connects the 63983

marketplace seller to the purchaser for the purpose of making sales; 63984
63985

(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 63986
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(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division ~~(W)(1)~~ (T)(1) of this section; 63990
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(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale; 63994
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(g) Sets the price of the sale on behalf of the marketplace seller; 63997
63998

(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale; 63999
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(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator. 64003
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(2) The marketplace facilitator, directly or indirectly, does any of the following: 64005
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(a) Collects the price of the tangible personal property or services sold to the consumer; 64007
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(b) Provides payment processing services for the sale; 64009

(c) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and 64010
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transmitting such payment receives compensation or other 64014
consideration in exchange for the service; 64015

(d) Provides virtual currency that consumers are allowed or 64016
required to use to purchase the tangible personal property or 64017
services that are the subject of the sale. 64018

(3) The subject of the sale is tangible personal property or 64019
services other than lodging by a hotel that is or is to be 64020
furnished to transient guests. 64021

Sec. 5741.03. (A) One hundred per cent of all money deposited 64022
into the state treasury under sections 5741.01 to 5741.22 of the 64023
Revised Code that is not required to be distributed as provided in 64024
division (B) of this section shall be credited to the general 64025
revenue fund. 64026

(B) In any case where any county or transit authority has 64027
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 64028
5741.023 of the Revised Code, the tax commissioner shall, within 64029
forty-five days after the end of each month, determine and certify 64030
to the director of budget and management the amount of the 64031
proceeds of such tax or taxes from billings and assessments 64032
received during that month, or shown on tax returns or reports 64033
filed during that month, to be returned to the county or transit 64034
authority levying the tax or taxes, which amounts shall be 64035
determined in the manner provided in section 5739.21 of the 64036
Revised Code. The director of budget and management shall 64037
transfer, from the general revenue fund, to the permissive tax 64038
distribution fund created by division (B)(1) of section 4301.423 64039
of the Revised Code and to the local sales tax administrative fund 64040
created by division (C) of section 5739.21 of the Revised Code, 64041
the amounts certified by the tax commissioner. The tax 64042
commissioner shall then, on or before the twentieth day of the 64043
month in which such certification is made, provide for payment of 64044

such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

~~(C)(1) Not later than the first day of each January and July following the date remote sellers are first required to register, collect, and remit use tax under this chapter, the tax commissioner and the director of budget and management shall jointly determine the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this chapter by remote sellers during the six month period ending on the preceding last day of November and of May, respectively, reduced by any refunds issued during the six month period to remote sellers from the tax refund fund on account of that tax.~~

~~(2) Not later than that last day of each January and July following the date the commissioner and the director make a determination under division (C)(1) of this section, the director of budget and management shall transfer from the general revenue fund to the income tax reduction fund the amount determined under that division. Amounts transferred to the income tax reduction fund under this division shall be included in the determination of the percentage under division (B)(2) of section 131.44 of the Revised Code required to be made by the thirty first day of July of the calendar year in which the commissioner makes the certifications under this division.~~

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United

States relating to federal income taxes or if not used in a 64077
comparable context in those laws, has the same meaning as in 64078
section 5733.40 of the Revised Code. Any reference in this chapter 64079
to the Internal Revenue Code includes other laws of the United 64080
States relating to federal income taxes. 64081

As used in this chapter: 64082

(A) "Adjusted gross income" or "Ohio adjusted gross income" 64083
means federal adjusted gross income, as defined and used in the 64084
Internal Revenue Code, adjusted as provided in this section: 64085

(1) Add interest or dividends on obligations or securities of 64086
any state or of any political subdivision or authority of any 64087
state, other than this state and its subdivisions and authorities. 64088

(2) Add interest or dividends on obligations of any 64089
authority, commission, instrumentality, territory, or possession 64090
of the United States to the extent that the interest or dividends 64091
are exempt from federal income taxes but not from state income 64092
taxes. 64093

(3) Deduct interest or dividends on obligations of the United 64094
States and its territories and possessions or of any authority, 64095
commission, or instrumentality of the United States to the extent 64096
that the interest or dividends are included in federal adjusted 64097
gross income but exempt from state income taxes under the laws of 64098
the United States. 64099

(4) Deduct disability and survivor's benefits to the extent 64100
included in federal adjusted gross income. 64101

(5) Deduct ~~benefits~~ the following, to the extent not 64102
otherwise deducted or excluded in computing federal or Ohio 64103
adjusted gross income: 64104

(a) Benefits under Title II of the Social Security Act and 64105
tier 1 railroad retirement ~~benefits to the extent included in~~ 64106

federal adjusted gross income under section 86 of the Internal Revenue Code;	64107
	64108
<u>(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law.</u>	64109
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	64111
(6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs work <u>opportunity tax</u> credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.	64112
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(7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.	64118
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	64121
(8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.	64122
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	64125
(9) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code.	64126
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(10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health	64130
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plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(10) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as

an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(14)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were

used for any purpose other than to reimburse an account holder 64201
for, or to pay, eligible medical expenses, in accordance with 64202
section 3924.66 of the Revised Code; 64203

(b) Add the amounts distributed from a medical savings 64204
account under division (A)(2) of section 3924.68 of the Revised 64205
Code during the taxable year. 64206

(15) Add any amount claimed as a credit under section 64207
5747.059 of the Revised Code to the extent that such amount 64208
satisfies either of the following: 64209

(a) The amount was deducted or excluded from the computation 64210
of the taxpayer's federal adjusted gross income as required to be 64211
reported for the taxpayer's taxable year under the Internal 64212
Revenue Code; 64213

(b) The amount resulted in a reduction of the taxpayer's 64214
federal adjusted gross income as required to be reported for any 64215
of the taxpayer's taxable years under the Internal Revenue Code. 64216

(16) Deduct the amount contributed by the taxpayer to an 64217
individual development account program established by a county 64218
department of job and family services pursuant to sections 329.11 64219
to 329.14 of the Revised Code for the purpose of matching funds 64220
deposited by program participants. On request of the tax 64221
commissioner, the taxpayer shall provide any information that, in 64222
the tax commissioner's opinion, is necessary to establish the 64223
amount deducted under division (A)(16) of this section. 64224

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 64225
(v) of this section, add five-sixths of the amount of depreciation 64226
expense allowed by subsection (k) of section 168 of the Internal 64227
Revenue Code, including the taxpayer's proportionate or 64228
distributive share of the amount of depreciation expense allowed 64229
by that subsection to a pass-through entity in which the taxpayer 64230
has a direct or indirect ownership interest. 64231

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the

commissioner, may waive the add-backs related to a pass-through 64264
entity if the taxpayer owns, directly or indirectly, less than 64265
five per cent of the pass-through entity. 64266

(b) Nothing in division (A)(17) of this section shall be 64267
construed to adjust or modify the adjusted basis of any asset. 64268

(c) To the extent the add-back required under division 64269
(A)(17)(a) of this section is attributable to property generating 64270
nonbusiness income or loss allocated under section 5747.20 of the 64271
Revised Code, the add-back shall be situated to the same location 64272
as the nonbusiness income or loss generated by the property for 64273
the purpose of determining the credit under division (A) of 64274
section 5747.05 of the Revised Code. Otherwise, the add-back shall 64275
be apportioned, subject to one or more of the four alternative 64276
methods of apportionment enumerated in section 5747.21 of the 64277
Revised Code. 64278

(d) For the purposes of division (A)(17)(a)(v) of this 64279
section, net operating loss carryback and carryforward shall not 64280
include the allowance of any net operating loss deduction 64281
carryback or carryforward to the taxable year to the extent such 64282
loss resulted from depreciation allowed by section 168(k) of the 64283
Internal Revenue Code and by the qualifying section 179 64284
depreciation expense amount. 64285

(e) For the purposes of divisions (A)(17) and (18) of this 64286
section: 64287

(i) "Income taxes withheld" means the total amount withheld 64288
and remitted under sections 5747.06 and 5747.07 of the Revised 64289
Code by an employer during the employer's taxable year. 64290

(ii) "Increase in income taxes withheld" means the amount by 64291
which the amount of income taxes withheld by an employer during 64292
the employer's current taxable year exceeds the amount of income 64293
taxes withheld by that employer during the employer's immediately 64294

preceding taxable year. 64295

(iii) "Qualifying section 179 depreciation expense" means the 64296
difference between (I) the amount of depreciation expense directly 64297
or indirectly allowed to a taxpayer under section 179 of the 64298
Internal Revised Code, and (II) the amount of depreciation expense 64299
directly or indirectly allowed to the taxpayer under section 179 64300
of the Internal Revenue Code as that section existed on December 64301
31, 2002. 64302

(18)(a) If the taxpayer was required to add an amount under 64303
division (A)(17)(a) of this section for a taxable year, deduct one 64304
of the following: 64305

(i) One-fifth of the amount so added for each of the five 64306
succeeding taxable years if the amount so added was five-sixths of 64307
qualifying section 179 depreciation expense or depreciation 64308
expense allowed by subsection (k) of section 168 of the Internal 64309
Revenue Code; 64310

(ii) One-half of the amount so added for each of the two 64311
succeeding taxable years if the amount so added was two-thirds of 64312
such depreciation expense; 64313

(iii) One-sixth of the amount so added for each of the six 64314
succeeding taxable years if the entire amount of such depreciation 64315
expense was so added. 64316

(b) If the amount deducted under division (A)(18)(a) of this 64317
section is attributable to an add-back allocated under division 64318
(A)(17)(c) of this section, the amount deducted shall be sitused 64319
to the same location. Otherwise, the add-back shall be apportioned 64320
using the apportionment factors for the taxable year in which the 64321
deduction is taken, subject to one or more of the four alternative 64322
methods of apportionment enumerated in section 5747.21 of the 64323
Revised Code. 64324

(c) No deduction is available under division (A)(18)(a) of 64325

this section with regard to any depreciation allowed by section 64326
168(k) of the Internal Revenue Code and by the qualifying section 64327
179 depreciation expense amount to the extent that such 64328
depreciation results in or increases a federal net operating loss 64329
carryback or carryforward. If no such deduction is available for a 64330
taxable year, the taxpayer may carry forward the amount not 64331
deducted in such taxable year to the next taxable year and add 64332
that amount to any deduction otherwise available under division 64333
(A)(18)(a) of this section for that next taxable year. The 64334
carryforward of amounts not so deducted shall continue until the 64335
entire addition required by division (A)(17)(a) of this section 64336
has been deducted. 64337

(19) Deduct, to the extent not otherwise deducted or excluded 64338
in computing federal or Ohio adjusted gross income for the taxable 64339
year, the amount the taxpayer received during the taxable year as 64340
reimbursement for life insurance premiums under section 5919.31 of 64341
the Revised Code. 64342

(20) Deduct, to the extent not otherwise deducted or excluded 64343
in computing federal or Ohio adjusted gross income for the taxable 64344
year, the amount the taxpayer received during the taxable year as 64345
a death benefit paid by the adjutant general under section 5919.33 64346
of the Revised Code. 64347

(21) Deduct, to the extent included in federal adjusted gross 64348
income and not otherwise allowable as a deduction or exclusion in 64349
computing federal or Ohio adjusted gross income for the taxable 64350
year, military pay and allowances received by the taxpayer during 64351
the taxable year for active duty service in the United States 64352
army, air force, navy, marine corps, or coast guard or reserve 64353
components thereof or the national guard. The deduction may not be 64354
claimed for military pay and allowances received by the taxpayer 64355
while the taxpayer is stationed in this state. 64356

(22) Deduct, to the extent not otherwise allowable as a 64357

deduction or exclusion in computing federal or Ohio adjusted gross 64358
income for the taxable year and not otherwise compensated for by 64359
any other source, the amount of qualified organ donation expenses 64360
incurred by the taxpayer during the taxable year, not to exceed 64361
ten thousand dollars. A taxpayer may deduct qualified organ 64362
donation expenses only once for all taxable years beginning with 64363
taxable years beginning in 2007. 64364

For the purposes of division (A)(22) of this section: 64365

(a) "Human organ" means all or any portion of a human liver, 64366
pancreas, kidney, intestine, or lung, and any portion of human 64367
bone marrow. 64368

(b) "Qualified organ donation expenses" means travel 64369
expenses, lodging expenses, and wages and salary forgone by a 64370
taxpayer in connection with the taxpayer's donation, while living, 64371
of one or more of the taxpayer's human organs to another human 64372
being. 64373

(23) Deduct, to the extent not otherwise deducted or excluded 64374
in computing federal or Ohio adjusted gross income for the taxable 64375
year, amounts received by the taxpayer as retired personnel pay 64376
for service in the uniformed services or reserve components 64377
thereof, or the national guard, or received by the surviving 64378
spouse or former spouse of such a taxpayer under the survivor 64379
benefit plan on account of such a taxpayer's death. If the 64380
taxpayer receives income on account of retirement paid under the 64381
federal civil service retirement system or federal employees 64382
retirement system, or under any successor retirement program 64383
enacted by the congress of the United States that is established 64384
and maintained for retired employees of the United States 64385
government, and such retirement income is based, in whole or in 64386
part, on credit for the taxpayer's uniformed service, the 64387
deduction allowed under this division shall include only that 64388
portion of such retirement income that is attributable to the 64389

taxpayer's uniformed service, to the extent that portion of such 64390
retirement income is otherwise included in federal adjusted gross 64391
income and is not otherwise deducted under this section. Any 64392
amount deducted under division (A)(23) of this section is not 64393
included in a taxpayer's adjusted gross income for the purposes of 64394
section 5747.055 of the Revised Code. No amount may be deducted 64395
under division (A)(23) of this section on the basis of which a 64396
credit was claimed under section 5747.055 of the Revised Code. 64397

(24) Deduct, to the extent not otherwise deducted or excluded 64398
in computing federal or Ohio adjusted gross income for the taxable 64399
year, the amount the taxpayer received during the taxable year 64400
from the military injury relief fund created in section 5902.05 of 64401
the Revised Code. 64402

(25) Deduct, to the extent not otherwise deducted or excluded 64403
in computing federal or Ohio adjusted gross income for the taxable 64404
year, the amount the taxpayer received as a veterans bonus during 64405
the taxable year from the Ohio department of veterans services as 64406
authorized by Section 2r of Article VIII, Ohio Constitution. 64407

(26) Deduct, to the extent not otherwise deducted or excluded 64408
in computing federal or Ohio adjusted gross income for the taxable 64409
year, any income derived from a transfer agreement or from the 64410
enterprise transferred under that agreement under section 4313.02 64411
of the Revised Code. 64412

(27) Deduct, to the extent not otherwise deducted or excluded 64413
in computing federal or Ohio adjusted gross income for the taxable 64414
year, Ohio college opportunity or federal Pell grant amounts 64415
received by the taxpayer or the taxpayer's spouse or dependent 64416
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 64417
1070a, et seq., and used to pay room or board furnished by the 64418
educational institution for which the grant was awarded at the 64419
institution's facilities, including meal plans administered by the 64420
institution. For the purposes of this division, receipt of a grant 64421

includes the distribution of a grant directly to an educational 64422
institution and the crediting of the grant to the enrollee's 64423
account with the institution. 64424

(28) Deduct from the portion of an individual's federal 64425
adjusted gross income that is business income, to the extent not 64426
otherwise deducted or excluded in computing federal adjusted gross 64427
income for the taxable year, one hundred twenty-five thousand 64428
dollars for each spouse if spouses file separate returns under 64429
section 5747.08 of the Revised Code or two hundred fifty thousand 64430
dollars for all other individuals. 64431

(29) Deduct, as provided under section 5747.78 of the Revised 64432
Code, contributions to ABLE savings accounts made in accordance 64433
with sections 113.50 to 113.56 of the Revised Code. 64434

(30)(a) Deduct, to the extent not otherwise deducted or 64435
excluded in computing federal or Ohio adjusted gross income during 64436
the taxable year, all of the following: 64437

(i) Compensation paid to a qualifying employee described in 64438
division (A)(14)(a) of section 5703.94 of the Revised Code to the 64439
extent such compensation is for disaster work conducted in this 64440
state during a disaster response period pursuant to a qualifying 64441
solicitation received by the employee's employer; 64442

(ii) Compensation paid to a qualifying employee described in 64443
division (A)(14)(b) of section 5703.94 of the Revised Code to the 64444
extent such compensation is for disaster work conducted in this 64445
state by the employee during the disaster response period on 64446
critical infrastructure owned or used by the employee's employer; 64447

(iii) Income received by an out-of-state disaster business 64448
for disaster work conducted in this state during a disaster 64449
response period, or, if the out-of-state disaster business is a 64450
pass-through entity, a taxpayer's distributive share of the 64451
pass-through entity's income from the business conducting disaster 64452

work in this state during a disaster response period, if, in 64453
either case, the disaster work is conducted pursuant to a 64454
qualifying solicitation received by the business. 64455

(b) All terms used in division (A)(30) of this section have 64456
the same meanings as in section 5703.94 of the Revised Code. 64457

(31) For a taxpayer who is a qualifying Ohio educator, 64458
deduct, to the extent not otherwise deducted or excluded in 64459
computing federal or Ohio adjusted gross income for the taxable 64460
year, the lesser of two hundred fifty dollars or the amount of 64461
expenses described in subsections (a)(2)(D)(i) and (ii) of section 64462
62 of the Internal Revenue Code paid or incurred by the taxpayer 64463
during the taxpayer's taxable year in excess of the amount the 64464
taxpayer is authorized to deduct for that taxable year under 64465
subsection (a)(2)(D) of that section. 64466

~~(34)~~(32) Deduct, to the extent not otherwise deducted or 64467
excluded in computing federal or Ohio adjusted gross income for 64468
the taxable year, amounts received by the taxpayer as a disability 64469
severance payment, computed under 10 U.S.C. 1212, following 64470
discharge or release under honorable conditions from the armed 64471
forces, as defined by 10 U.S.C. 101. 64472

(33) Deduct, to the extent not otherwise deducted or excluded 64473
in computing federal adjusted gross income or Ohio adjusted gross 64474
income, amounts not subject to tax due to an agreement entered 64475
into under division (A)(2) of section 5747.05 of the Revised Code. 64476

(34) Deduct amounts as provided under section 5747.79 of the 64477
Revised Code related to the taxpayer's qualifying capital gains 64478
and deductible payroll. 64479

To the extent a qualifying capital gain described under 64480
division (A)(34) of this section is business income, the taxpayer 64481
shall deduct those gains under this division before deducting any 64482
such gains under division (A)(28) of this section. 64483

(35)(a) For taxable years beginning in or after 2026, deduct, 64484
to the extent not otherwise deducted or excluded in computing 64485
federal or Ohio adjusted gross income for the taxable year: 64486

(i) One hundred per cent of the capital gain received by the 64487
taxpayer in the taxable year from a qualifying interest in an Ohio 64488
venture capital operating company attributable to the company's 64489
investments in Ohio businesses during the period for which the 64490
company was an Ohio venture operating company; and 64491

(ii) Fifty per cent of the capital gain received by the 64492
taxpayer in the taxable year from a qualifying interest in an Ohio 64493
venture capital operating company attributable to the company's 64494
investments in all other businesses during the period for which 64495
the company was an Ohio venture operating company. 64496

(b) Add amounts previously deducted by the taxpayer under 64497
division (A)(35)(a) of this section if the director of development 64498
certifies to the tax commissioner that the requirements for the 64499
deduction were not met. 64500

(c) All terms used in division (A)(35) of this section have 64501
the same meanings as in section 122.851 of the Revised Code. 64502

(d) To the extent a capital gain described in division 64503
(A)(35)(a) of this section is business income, the taxpayer shall 64504
apply that division before applying division (A)(28) of this 64505
section. 64506

(B) "Business income" means income, including gain or loss, 64507
arising from transactions, activities, and sources in the regular 64508
course of a trade or business and includes income, gain, or loss 64509
from real property, tangible property, and intangible property if 64510
the acquisition, rental, management, and disposition of the 64511
property constitute integral parts of the regular course of a 64512
trade or business operation. "Business income" includes income, 64513
including gain or loss, from a partial or complete liquidation of 64514

a business, including, but not limited to, gain or loss from the 64515
sale or other disposition of goodwill. 64516

(C) "Nonbusiness income" means all income other than business 64517
income and may include, but is not limited to, compensation, rents 64518
and royalties from real or tangible personal property, capital 64519
gains, interest, dividends and distributions, patent or copyright 64520
royalties, or lottery winnings, prizes, and awards. 64521

(D) "Compensation" means any form of remuneration paid to an 64522
employee for personal services. 64523

(E) "Fiduciary" means a guardian, trustee, executor, 64524
administrator, receiver, conservator, or any other person acting 64525
in any fiduciary capacity for any individual, trust, or estate. 64526

(F) "Fiscal year" means an accounting period of twelve months 64527
ending on the last day of any month other than December. 64528

(G) "Individual" means any natural person. 64529

(H) "Internal Revenue Code" means the "Internal Revenue Code 64530
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 64531

(I) "Resident" means any of the following: 64532

(1) An individual who is domiciled in this state, subject to 64533
section 5747.24 of the Revised Code; 64534

(2) The estate of a decedent who at the time of death was 64535
domiciled in this state. The domicile tests of section 5747.24 of 64536
the Revised Code are not controlling for purposes of division 64537
(I)(2) of this section. 64538

(3) A trust that, in whole or part, resides in this state. If 64539
only part of a trust resides in this state, the trust is a 64540
resident only with respect to that part. 64541

For the purposes of division (I)(3) of this section: 64542

(a) A trust resides in this state for the trust's current 64543

taxable year to the extent, as described in division (I)(3)(d) of 64544
this section, that the trust consists directly or indirectly, in 64545
whole or in part, of assets, net of any related liabilities, that 64546
were transferred, or caused to be transferred, directly or 64547
indirectly, to the trust by any of the following: 64548

(i) A person, a court, or a governmental entity or 64549
instrumentality on account of the death of a decedent, but only if 64550
the trust is described in division (I)(3)(e)(i) or (ii) of this 64551
section; 64552

(ii) A person who was domiciled in this state for the 64553
purposes of this chapter when the person directly or indirectly 64554
transferred assets to an irrevocable trust, but only if at least 64555
one of the trust's qualifying beneficiaries is domiciled in this 64556
state for the purposes of this chapter during all or some portion 64557
of the trust's current taxable year; 64558

(iii) A person who was domiciled in this state for the 64559
purposes of this chapter when the trust document or instrument or 64560
part of the trust document or instrument became irrevocable, but 64561
only if at least one of the trust's qualifying beneficiaries is a 64562
resident domiciled in this state for the purposes of this chapter 64563
during all or some portion of the trust's current taxable year. If 64564
a trust document or instrument became irrevocable upon the death 64565
of a person who at the time of death was domiciled in this state 64566
for purposes of this chapter, that person is a person described in 64567
division (I)(3)(a)(iii) of this section. 64568

(b) A trust is irrevocable to the extent that the transferor 64569
is not considered to be the owner of the net assets of the trust 64570
under sections 671 to 678 of the Internal Revenue Code. 64571

(c) With respect to a trust other than a charitable lead 64572
trust, "qualifying beneficiary" has the same meaning as "potential 64573
current beneficiary" as defined in section 1361(e)(2) of the 64574

Internal Revenue Code, and with respect to a charitable lead trust 64575
"qualifying beneficiary" is any current, future, or contingent 64576
beneficiary, but with respect to any trust "qualifying 64577
beneficiary" excludes a person or a governmental entity or 64578
instrumentality to any of which a contribution would qualify for 64579
the charitable deduction under section 170 of the Internal Revenue 64580
Code. 64581

(d) For the purposes of division (I)(3)(a) of this section, 64582
the extent to which a trust consists directly or indirectly, in 64583
whole or in part, of assets, net of any related liabilities, that 64584
were transferred directly or indirectly, in whole or part, to the 64585
trust by any of the sources enumerated in that division shall be 64586
ascertained by multiplying the fair market value of the trust's 64587
assets, net of related liabilities, by the qualifying ratio, which 64588
shall be computed as follows: 64589

(i) The first time the trust receives assets, the numerator 64590
of the qualifying ratio is the fair market value of those assets 64591
at that time, net of any related liabilities, from sources 64592
enumerated in division (I)(3)(a) of this section. The denominator 64593
of the qualifying ratio is the fair market value of all the 64594
trust's assets at that time, net of any related liabilities. 64595

(ii) Each subsequent time the trust receives assets, a 64596
revised qualifying ratio shall be computed. The numerator of the 64597
revised qualifying ratio is the sum of (1) the fair market value 64598
of the trust's assets immediately prior to the subsequent 64599
transfer, net of any related liabilities, multiplied by the 64600
qualifying ratio last computed without regard to the subsequent 64601
transfer, and (2) the fair market value of the subsequently 64602
transferred assets at the time transferred, net of any related 64603
liabilities, from sources enumerated in division (I)(3)(a) of this 64604
section. The denominator of the revised qualifying ratio is the 64605
fair market value of all the trust's assets immediately after the 64606

subsequent transfer, net of any related liabilities. 64607

(iii) Whether a transfer to the trust is by or from any of 64608
the sources enumerated in division (I)(3)(a) of this section shall 64609
be ascertained without regard to the domicile of the trust's 64610
beneficiaries. 64611

(e) For the purposes of division (I)(3)(a)(i) of this 64612
section: 64613

(i) A trust is described in division (I)(3)(e)(i) of this 64614
section if the trust is a testamentary trust and the testator of 64615
that testamentary trust was domiciled in this state at the time of 64616
the testator's death for purposes of the taxes levied under 64617
Chapter 5731. of the Revised Code. 64618

(ii) A trust is described in division (I)(3)(e)(ii) of this 64619
section if the transfer is a qualifying transfer described in any 64620
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 64621
irrevocable inter vivos trust, and at least one of the trust's 64622
qualifying beneficiaries is domiciled in this state for purposes 64623
of this chapter during all or some portion of the trust's current 64624
taxable year. 64625

(f) For the purposes of division (I)(3)(e)(ii) of this 64626
section, a "qualifying transfer" is a transfer of assets, net of 64627
any related liabilities, directly or indirectly to a trust, if the 64628
transfer is described in any of the following: 64629

(i) The transfer is made to a trust, created by the decedent 64630
before the decedent's death and while the decedent was domiciled 64631
in this state for the purposes of this chapter, and, prior to the 64632
death of the decedent, the trust became irrevocable while the 64633
decedent was domiciled in this state for the purposes of this 64634
chapter. 64635

(ii) The transfer is made to a trust to which the decedent, 64636
prior to the decedent's death, had directly or indirectly 64637

transferred assets, net of any related liabilities, while the 64638
decedent was domiciled in this state for the purposes of this 64639
chapter, and prior to the death of the decedent the trust became 64640
irrevocable while the decedent was domiciled in this state for the 64641
purposes of this chapter. 64642

(iii) The transfer is made on account of a contractual 64643
relationship existing directly or indirectly between the 64644
transferor and either the decedent or the estate of the decedent 64645
at any time prior to the date of the decedent's death, and the 64646
decedent was domiciled in this state at the time of death for 64647
purposes of the taxes levied under Chapter 5731. of the Revised 64648
Code. 64649

(iv) The transfer is made to a trust on account of a 64650
contractual relationship existing directly or indirectly between 64651
the transferor and another person who at the time of the 64652
decedent's death was domiciled in this state for purposes of this 64653
chapter. 64654

(v) The transfer is made to a trust on account of the will of 64655
a testator who was domiciled in this state at the time of the 64656
testator's death for purposes of the taxes levied under Chapter 64657
5731. of the Revised Code. 64658

(vi) The transfer is made to a trust created by or caused to 64659
be created by a court, and the trust was directly or indirectly 64660
created in connection with or as a result of the death of an 64661
individual who, for purposes of the taxes levied under Chapter 64662
5731. of the Revised Code, was domiciled in this state at the time 64663
of the individual's death. 64664

(g) The tax commissioner may adopt rules to ascertain the 64665
part of a trust residing in this state. 64666

(J) "Nonresident" means an individual or estate that is not a 64667
resident. An individual who is a resident for only part of a 64668

taxable year is a nonresident for the remainder of that taxable year. 64669
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(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 64671
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(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required. 64673
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(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter. 64677
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(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code. 64681
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(O) "Dependents" means one of the following: 64685

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code; 64686
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(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return. 64689
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(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed. 64694
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(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 64699
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(1) "Subdivision" means any county, municipal corporation, park district, or township. 64701
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(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 64703
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 64707
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(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 64709
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(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 64712
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; 64720
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(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year. 64723
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(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to 64725
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the extent that the interest or dividends are exempt from federal 64729
income taxes but not from state income taxes, but only to the 64730
extent that such net amount is not otherwise includible in Ohio 64731
taxable income and is described in either division (S)(1)(a) or 64732
(b) of this section; 64733

(3) Add the amount of personal exemption allowed to the 64734
estate pursuant to section 642(b) of the Internal Revenue Code; 64735

(4) Deduct interest or dividends, net of related expenses 64736
deducted in computing federal taxable income, on obligations of 64737
the United States and its territories and possessions or of any 64738
authority, commission, or instrumentality of the United States to 64739
the extent that the interest or dividends are exempt from state 64740
taxes under the laws of the United States, but only to the extent 64741
that such amount is included in federal taxable income and is 64742
described in either division (S)(1)(a) or (b) of this section; 64743

(5) Deduct the amount of wages and salaries, if any, not 64744
otherwise allowable as a deduction but that would have been 64745
allowable as a deduction in computing federal taxable income for 64746
the taxable year, had the ~~targeted jobs~~ work opportunity tax 64747
credit allowed under sections 38, 51, and 52 of the Internal 64748
Revenue Code not been in effect, but only to the extent such 64749
amount relates either to income included in federal taxable income 64750
for the taxable year or to income of the S portion of an electing 64751
small business trust for the taxable year; 64752

(6) Deduct any interest or interest equivalent, net of 64753
related expenses deducted in computing federal taxable income, on 64754
public obligations and purchase obligations, but only to the 64755
extent that such net amount relates either to income included in 64756
federal taxable income for the taxable year or to income of the S 64757
portion of an electing small business trust for the taxable year; 64758

(7) Add any loss or deduct any gain resulting from sale, 64759

exchange, or other disposition of public obligations to the extent 64760
that such loss has been deducted or such gain has been included in 64761
computing either federal taxable income or income of the S portion 64762
of an electing small business trust for the taxable year; 64763

(8) Except in the case of the final return of an estate, add 64764
any amount deducted by the taxpayer on both its Ohio estate tax 64765
return pursuant to section 5731.14 of the Revised Code, and on its 64766
federal income tax return in determining federal taxable income; 64767

(9)(a) Deduct any amount included in federal taxable income 64768
solely because the amount represents a reimbursement or refund of 64769
expenses that in a previous year the decedent had deducted as an 64770
itemized deduction pursuant to section 63 of the Internal Revenue 64771
Code and applicable treasury regulations. The deduction otherwise 64772
allowed under division (S)(9)(a) of this section shall be reduced 64773
to the extent the reimbursement is attributable to an amount the 64774
taxpayer or decedent deducted under this section in any taxable 64775
year. 64776

(b) Add any amount not otherwise included in Ohio taxable 64777
income for any taxable year to the extent that the amount is 64778
attributable to the recovery during the taxable year of any amount 64779
deducted or excluded in computing federal or Ohio taxable income 64780
in any taxable year, but only to the extent such amount has not 64781
been distributed to beneficiaries for the taxable year. 64782

(10) Deduct any portion of the deduction described in section 64783
1341(a)(2) of the Internal Revenue Code, for repaying previously 64784
reported income received under a claim of right, that meets both 64785
of the following requirements: 64786

(a) It is allowable for repayment of an item that was 64787
included in the taxpayer's taxable income or the decedent's 64788
adjusted gross income for a prior taxable year and did not qualify 64789
for a credit under division (A) or (B) of section 5747.05 of the 64790

Revised Code for that year. 64791

(b) It does not otherwise reduce the taxpayer's taxable 64792
income or the decedent's adjusted gross income for the current or 64793
any other taxable year. 64794

(11) Add any amount claimed as a credit under section 64795
5747.059 of the Revised Code to the extent that the amount 64796
satisfies either of the following: 64797

(a) The amount was deducted or excluded from the computation 64798
of the taxpayer's federal taxable income as required to be 64799
reported for the taxpayer's taxable year under the Internal 64800
Revenue Code; 64801

(b) The amount resulted in a reduction in the taxpayer's 64802
federal taxable income as required to be reported for any of the 64803
taxpayer's taxable years under the Internal Revenue Code. 64804

(12) Deduct any amount, net of related expenses deducted in 64805
computing federal taxable income, that a trust is required to 64806
report as farm income on its federal income tax return, but only 64807
if the assets of the trust include at least ten acres of land 64808
satisfying the definition of "land devoted exclusively to 64809
agricultural use" under section 5713.30 of the Revised Code, 64810
regardless of whether the land is valued for tax purposes as such 64811
land under sections 5713.30 to 5713.38 of the Revised Code. If the 64812
trust is a pass-through entity investor, section 5747.231 of the 64813
Revised Code applies in ascertaining if the trust is eligible to 64814
claim the deduction provided by division (S)(12) of this section 64815
in connection with the pass-through entity's farm income. 64816

Except for farm income attributable to the S portion of an 64817
electing small business trust, the deduction provided by division 64818
(S)(12) of this section is allowed only to the extent that the 64819
trust has not distributed such farm income. 64820

(13) Add the net amount of income described in section 641(c) 64821

of the Internal Revenue Code to the extent that amount is not 64822
included in federal taxable income. 64823

(14) Add or deduct the amount the taxpayer would be required 64824
to add or deduct under division (A)(17) or (18) of this section if 64825
the taxpayer's Ohio taxable income were computed in the same 64826
manner as an individual's Ohio adjusted gross income is computed 64827
under this section. 64828

(T) "School district income" and "school district income tax" 64829
have the same meanings as in section 5748.01 of the Revised Code. 64830

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 64831
of this section, "public obligations," "purchase obligations," and 64832
"interest or interest equivalent" have the same meanings as in 64833
section 5709.76 of the Revised Code. 64834

(V) "Limited liability company" means any limited liability 64835
company formed under Chapter 1705. or 1706. of the Revised Code or 64836
under the laws of any other state. 64837

(W) "Pass-through entity investor" means any person who, 64838
during any portion of a taxable year of a pass-through entity, is 64839
a partner, member, shareholder, or equity investor in that 64840
pass-through entity. 64841

(X) "Banking day" has the same meaning as in section 1304.01 64842
of the Revised Code. 64843

(Y) "Month" means a calendar month. 64844

(Z) "Quarter" means the first three months, the second three 64845
months, the third three months, or the last three months of the 64846
taxpayer's taxable year. 64847

(AA)(1) "Modified business income" means the business income 64848
included in a trust's Ohio taxable income after such taxable 64849
income is first reduced by the qualifying trust amount, if any. 64850

(2) "Qualifying trust amount" of a trust means capital gains 64851

and losses from the sale, exchange, or other disposition of equity 64852
or ownership interests in, or debt obligations of, a qualifying 64853
investee to the extent included in the trust's Ohio taxable 64854
income, but only if the following requirements are satisfied: 64855

(a) The book value of the qualifying investee's physical 64856
assets in this state and everywhere, as of the last day of the 64857
qualifying investee's fiscal or calendar year ending immediately 64858
prior to the date on which the trust recognizes the gain or loss, 64859
is available to the trust. 64860

(b) The requirements of section 5747.011 of the Revised Code 64861
are satisfied for the trust's taxable year in which the trust 64862
recognizes the gain or loss. 64863

Any gain or loss that is not a qualifying trust amount is 64864
modified business income, qualifying investment income, or 64865
modified nonbusiness income, as the case may be. 64866

(3) "Modified nonbusiness income" means a trust's Ohio 64867
taxable income other than modified business income, other than the 64868
qualifying trust amount, and other than qualifying investment 64869
income, as defined in section 5747.012 of the Revised Code, to the 64870
extent such qualifying investment income is not otherwise part of 64871
modified business income. 64872

(4) "Modified Ohio taxable income" applies only to trusts, 64873
and means the sum of the amounts described in divisions (AA)(4)(a) 64874
to (c) of this section: 64875

(a) The fraction, calculated under section 5747.013, and 64876
applying section 5747.231 of the Revised Code, multiplied by the 64877
sum of the following amounts: 64878

(i) The trust's modified business income; 64879

(ii) The trust's qualifying investment income, as defined in 64880
section 5747.012 of the Revised Code, but only to the extent the 64881

qualifying investment income does not otherwise constitute 64882
modified business income and does not otherwise constitute a 64883
qualifying trust amount. 64884

(b) The qualifying trust amount multiplied by a fraction, the 64885
numerator of which is the sum of the book value of the qualifying 64886
investee's physical assets in this state on the last day of the 64887
qualifying investee's fiscal or calendar year ending immediately 64888
prior to the day on which the trust recognizes the qualifying 64889
trust amount, and the denominator of which is the sum of the book 64890
value of the qualifying investee's total physical assets 64891
everywhere on the last day of the qualifying investee's fiscal or 64892
calendar year ending immediately prior to the day on which the 64893
trust recognizes the qualifying trust amount. If, for a taxable 64894
year, the trust recognizes a qualifying trust amount with respect 64895
to more than one qualifying investee, the amount described in 64896
division (AA)(4)(b) of this section shall equal the sum of the 64897
products so computed for each such qualifying investee. 64898

(c)(i) With respect to a trust or portion of a trust that is 64899
a resident as ascertained in accordance with division (I)(3)(d) of 64900
this section, its modified nonbusiness income. 64901

(ii) With respect to a trust or portion of a trust that is 64902
not a resident as ascertained in accordance with division 64903
(I)(3)(d) of this section, the amount of its modified nonbusiness 64904
income satisfying the descriptions in divisions (B)(2) to (5) of 64905
section 5747.20 of the Revised Code, except as otherwise provided 64906
in division (AA)(4)(c)(ii) of this section. With respect to a 64907
trust or portion of a trust that is not a resident as ascertained 64908
in accordance with division (I)(3)(d) of this section, the trust's 64909
portion of modified nonbusiness income recognized from the sale, 64910
exchange, or other disposition of a debt interest in or equity 64911
interest in a section 5747.212 entity, as defined in section 64912
5747.212 of the Revised Code, without regard to division (A) of 64913

that section, shall not be allocated to this state in accordance 64914
with section 5747.20 of the Revised Code but shall be apportioned 64915
to this state in accordance with division (B) of section 5747.212 64916
of the Revised Code without regard to division (A) of that 64917
section. 64918

If the allocation and apportionment of a trust's income under 64919
divisions (AA)(4)(a) and (c) of this section do not fairly 64920
represent the modified Ohio taxable income of the trust in this 64921
state, the alternative methods described in division (C) of 64922
section 5747.21 of the Revised Code may be applied in the manner 64923
and to the same extent provided in that section. 64924

(5)(a) Except as set forth in division (AA)(5)(b) of this 64925
section, "qualifying investee" means a person in which a trust has 64926
an equity or ownership interest, or a person or unit of government 64927
the debt obligations of either of which are owned by a trust. For 64928
the purposes of division (AA)(2)(a) of this section and for the 64929
purpose of computing the fraction described in division (AA)(4)(b) 64930
of this section, all of the following apply: 64931

(i) If the qualifying investee is a member of a qualifying 64932
controlled group on the last day of the qualifying investee's 64933
fiscal or calendar year ending immediately prior to the date on 64934
which the trust recognizes the gain or loss, then "qualifying 64935
investee" includes all persons in the qualifying controlled group 64936
on such last day. 64937

(ii) If the qualifying investee, or if the qualifying 64938
investee and any members of the qualifying controlled group of 64939
which the qualifying investee is a member on the last day of the 64940
qualifying investee's fiscal or calendar year ending immediately 64941
prior to the date on which the trust recognizes the gain or loss, 64942
separately or cumulatively own, directly or indirectly, on the 64943
last day of the qualifying investee's fiscal or calendar year 64944
ending immediately prior to the date on which the trust recognizes 64945

the qualifying trust amount, more than fifty per cent of the 64946
equity of a pass-through entity, then the qualifying investee and 64947
the other members are deemed to own the proportionate share of the 64948
pass-through entity's physical assets which the pass-through 64949
entity directly or indirectly owns on the last day of the 64950
pass-through entity's calendar or fiscal year ending within or 64951
with the last day of the qualifying investee's fiscal or calendar 64952
year ending immediately prior to the date on which the trust 64953
recognizes the qualifying trust amount. 64954

(iii) For the purposes of division (AA)(5)(a)(iii) of this 64955
section, "upper level pass-through entity" means a pass-through 64956
entity directly or indirectly owning any equity of another 64957
pass-through entity, and "lower level pass-through entity" means 64958
that other pass-through entity. 64959

An upper level pass-through entity, whether or not it is also 64960
a qualifying investee, is deemed to own, on the last day of the 64961
upper level pass-through entity's calendar or fiscal year, the 64962
proportionate share of the lower level pass-through entity's 64963
physical assets that the lower level pass-through entity directly 64964
or indirectly owns on the last day of the lower level pass-through 64965
entity's calendar or fiscal year ending within or with the last 64966
day of the upper level pass-through entity's fiscal or calendar 64967
year. If the upper level pass-through entity directly and 64968
indirectly owns less than fifty per cent of the equity of the 64969
lower level pass-through entity on each day of the upper level 64970
pass-through entity's calendar or fiscal year in which or with 64971
which ends the calendar or fiscal year of the lower level 64972
pass-through entity and if, based upon clear and convincing 64973
evidence, complete information about the location and cost of the 64974
physical assets of the lower pass-through entity is not available 64975
to the upper level pass-through entity, then solely for purposes 64976
of ascertaining if a gain or loss constitutes a qualifying trust 64977

amount, the upper level pass-through entity shall be deemed as 64978
owning no equity of the lower level pass-through entity for each 64979
day during the upper level pass-through entity's calendar or 64980
fiscal year in which or with which ends the lower level 64981
pass-through entity's calendar or fiscal year. Nothing in division 64982
(AA)(5)(a)(iii) of this section shall be construed to provide for 64983
any deduction or exclusion in computing any trust's Ohio taxable 64984
income. 64985

(b) With respect to a trust that is not a resident for the 64986
taxable year and with respect to a part of a trust that is not a 64987
resident for the taxable year, "qualifying investee" for that 64988
taxable year does not include a C corporation if both of the 64989
following apply: 64990

(i) During the taxable year the trust or part of the trust 64991
recognizes a gain or loss from the sale, exchange, or other 64992
disposition of equity or ownership interests in, or debt 64993
obligations of, the C corporation. 64994

(ii) Such gain or loss constitutes nonbusiness income. 64995

(6) "Available" means information is such that a person is 64996
able to learn of the information by the due date plus extensions, 64997
if any, for filing the return for the taxable year in which the 64998
trust recognizes the gain or loss. 64999

(BB) "Qualifying controlled group" has the same meaning as in 65000
section 5733.04 of the Revised Code. 65001

(CC) "Related member" has the same meaning as in section 65002
5733.042 of the Revised Code. 65003

(DD)(1) For the purposes of division (DD) of this section: 65004

(a) "Qualifying person" means any person other than a 65005
qualifying corporation. 65006

(b) "Qualifying corporation" means any person classified for 65007

federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 65039
65040

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 65041
65042

(b) The trust became irrevocable upon the creation of the trust; and 65043
65044

(c) The grantor was domiciled in this state at the time the trust was created. 65045
65046

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 65047
65048

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this section for the taxable year. 65049
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(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1. 65054
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(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under ~~division~~ divisions (A)(28) and (34) of this section for the taxable year. 65064
65065
65066

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is 65067
65068

defined in section 62 of the Internal Revenue Code, and who holds 65069
a certificate, license, or permit described in Chapter 3319. or 65070
section 3301.071 of the Revised Code. 65071

Sec. 5747.02. (A) For the purpose of providing revenue for 65072
the support of schools and local government functions, to provide 65073
relief to property taxpayers, to provide revenue for the general 65074
revenue fund, and to meet the expenses of administering the tax 65075
levied by this chapter, there is hereby levied on every 65076
individual, trust, and estate residing in or earning or receiving 65077
income in this state, on every individual, trust, and estate 65078
earning or receiving lottery winnings, prizes, or awards pursuant 65079
to Chapter 3770. of the Revised Code, on every individual, trust, 65080
and estate earning or receiving winnings on casino gaming, and on 65081
every individual, trust, and estate otherwise having nexus with or 65082
in this state under the Constitution of the United States, an 65083
annual tax measured as prescribed in divisions (A)(1) to (4) of 65084
this section. 65085

(1) In the case of trusts, the tax imposed by this section 65086
shall be measured by modified Ohio taxable income under division 65087
(D) of this section and levied in the same amount as the tax is 65088
imposed on estates as prescribed in division (A)(2) of this 65089
section. 65090

(2) In the case of estates, the tax imposed by this section 65091
shall be measured by Ohio taxable income. The tax shall be levied 65092
at the rate of one and ~~forty-two~~ thirty-nine thousand ~~seven~~ eight 65093
hundred ~~forty-four~~ eighty-nine hundred-thousandths per cent for 65094
the first ~~twenty-one~~ twenty-two thousand ~~seven~~ four hundred ~~fifty~~ 65095
dollars of such income and, for income in excess of that amount, 65096
the tax shall be levied at the same rates prescribed in division 65097
(A)(3) of this section for individuals. 65098

(3) In the case of individuals, the tax imposed by this 65099

section on income other than taxable business income shall be 65100
measured by Ohio adjusted gross income, less taxable business 65101
income and less an exemption for the taxpayer, the taxpayer's 65102
spouse, and each dependent as provided in section 5747.025 of the 65103
Revised Code. If the balance thus obtained is equal to or less 65104
than ~~twenty-one~~ twenty-two thousand ~~seven~~ four hundred ~~fifty~~ 65105
dollars, no tax shall be imposed on that balance. If the balance 65106
thus obtained is greater than ~~twenty-one~~ twenty-two thousand ~~seven~~ 65107
four hundred ~~fifty~~ dollars, the tax is hereby levied as follows: 65108

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 65109
EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)

OR OHIO TAXABLE INCOME (ESTATES)

More than ~~\$21,750~~ 22,400 but not ~~\$310.47~~ 313.35 plus ~~2.850~~ 2.793% 65110
more than ~~\$43,450~~ 44,800 of the amount in excess of
~~\$21,750~~ 22,400

More than ~~\$43,450~~ 44,800 but not ~~\$928.92~~ 938.98 plus ~~3.326~~ 3.259% 65111
more than ~~\$86,900~~ 89,500 of the amount in excess of
~~\$43,450~~ 44,800

More than ~~\$86,900~~ 89,500 but not ~~\$2,374.07~~ 2,395.75 plus ~~3.802~~ 65112
more than ~~\$108,700~~ 112,000 3.726% of the amount in excess of
~~\$86,900~~ 89,500

More than ~~\$108,700~~ 112,000 but ~~\$3,202.91~~ 3,234.10 plus ~~4.413~~ 65113
not more than ~~\$217,400~~ 223,950 4.325% of the amount in excess of
~~\$108,700~~ 112,000

More than ~~\$217,400~~ 223,950 ~~\$7,999.84~~ 8,075.94 plus ~~4.797~~ 65114
4.701% of the amount in excess of
~~\$217,400~~ 223,950

(4)(a) In the case of individuals, the tax imposed by this 65115
section on taxable business income shall equal three per cent of 65116
the result obtained by subtracting any amount allowed under 65117
division (A)(4)(b) of this section from the individual's taxable 65118
business income. 65119

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a

certification to the tax commissioner under division (B) of 65152
section 131.44 of the Revised Code, the amount of tax as 65153
determined under divisions (A)(1) to (3) of this section shall be 65154
reduced by the percentage prescribed in that certification for 65155
taxable years beginning in the calendar year in which that 65156
certification is made. 65157

(C)(1) The tax imposed by this section on a trust shall be 65158
computed by multiplying the Ohio modified taxable income of the 65159
trust by the rates prescribed by division (A) of this section. 65160

(2) A resident trust may claim a credit against the tax 65161
computed under division (C) of this section equal to the lesser of 65162
(a) the tax paid to another state or the District of Columbia on 65163
the resident trust's modified nonbusiness income, other than the 65164
portion of the resident trust's nonbusiness income that is 65165
qualifying investment income as defined in section 5747.012 of the 65166
Revised Code, or (b) the effective tax rate, based on modified 65167
Ohio taxable income, multiplied by the resident trust's modified 65168
nonbusiness income other than the portion of the resident trust's 65169
nonbusiness income that is qualifying investment income. The 65170
credit applies before any other applicable credits. 65171

(3) Any credit authorized against the tax imposed by this 65172
section applies to a trust subject to division (C) of this section 65173
only if the trust otherwise qualifies for the credit. To the 65174
extent that the trust distributes income for the taxable year for 65175
which a credit is available to the trust, the credit shall be 65176
shared by the trust and its beneficiaries. The tax commissioner 65177
and the trust shall be guided by applicable regulations of the 65178
United States treasury regarding the sharing of credits. 65179

(D) For the purposes of this section, "trust" means any trust 65180
described in Subchapter J of Chapter 1 of the Internal Revenue 65181
Code, excluding trusts that are not irrevocable as defined in 65182
division (I)(3)(b) of section 5747.01 of the Revised Code and that 65183

have no modified Ohio taxable income for the taxable year, 65184
charitable remainder trusts, qualified funeral trusts and preneed 65185
funeral contract trusts established pursuant to sections 4717.31 65186
to 4717.38 of the Revised Code that are not qualified funeral 65187
trusts, endowment and perpetual care trusts, qualified settlement 65188
trusts and funds, designated settlement trusts and funds, and 65189
trusts exempted from taxation under section 501(a) of the Internal 65190
Revenue Code. 65191

(E) Nothing in division (A)(3) of this section shall prohibit 65192
an individual with an Ohio adjusted gross income, less taxable 65193
business income and exemptions, of ~~twenty-one~~ twenty-two thousand 65194
~~seven~~ four hundred ~~fifty~~ dollars or less from filing a return 65195
under this chapter to receive a refund of taxes withheld or to 65196
claim any refundable credit allowed under this chapter. 65197

Sec. 5747.05. As used in this section, "income tax" includes 65198
both a tax on net income and a tax measured by net income. 65199

The following credits shall be allowed against the aggregate 65200
income tax liability imposed by section 5747.02 of the Revised 65201
Code on individuals and estates: 65202

(A)(1) The amount of tax otherwise due under section 5747.02 65203
of the Revised Code on such portion of the combined adjusted gross 65204
income and business income of any nonresident taxpayer that is not 65205
allocable or apportionable to this state pursuant to sections 65206
5747.20 to 5747.23 of the Revised Code. The credit provided under 65207
this division shall not exceed the total tax due under section 65208
5747.02 of the Revised Code. 65209

(2) The tax commissioner may enter into an agreement with the 65210
taxing authorities of any state or of the District of Columbia 65211
that imposes an income tax to provide that compensation paid in 65212
this state to a nonresident taxpayer shall not be subject to the 65213
tax levied in section 5747.02 of the Revised Code so long as 65214

compensation paid in such other state or in the District of 65215
Columbia to a resident taxpayer shall likewise not be subject to 65216
the income tax of such other state or of the District of Columbia. 65217

(B) The lesser of division (B)(1) or (2) of this section: 65218

(1) The aggregate amount of tax otherwise due under section 65219
5747.02 of the Revised Code on such portion of the combined 65220
adjusted gross income and business income of a resident taxpayer 65221
that in another state or in the District of Columbia is subjected 65222
to an income tax. The credit provided under division (B)(1) of 65223
this section shall not exceed the total tax due under section 65224
5747.02 of the Revised Code. 65225

(2) The amount of income tax liability to another state or 65226
the District of Columbia on the portion of the combined adjusted 65227
gross income and business income of a resident taxpayer that in 65228
another state or in the District of Columbia is subjected to an 65229
income tax. The credit provided under division (B)(2) of this 65230
section shall not exceed the total amount of tax otherwise due 65231
under section 5747.02 of the Revised Code. 65232

(3) If the credit provided under division (B) of this section 65233
is affected by a change in either the portion of the combined 65234
adjusted gross income and business income of a resident taxpayer 65235
subjected to an income tax in another state or the District of 65236
Columbia or the amount of income tax liability that has been paid 65237
to another state or the District of Columbia, the taxpayer shall 65238
report the change to the tax commissioner within ~~sixty~~ ninety days 65239
of the change in such form as the commissioner requires. 65240

(a) In the case of an underpayment, the report shall be 65241
accompanied by payment of any additional tax due as a result of 65242
the reduction in credit together with interest on the additional 65243
tax and is a return subject to assessment under section 5747.13 of 65244
the Revised Code solely for the purpose of assessing any 65245

additional tax due under this division, together with any 65246
applicable penalty and interest. It shall not reopen the 65247
computation of the taxpayer's tax liability under this chapter 65248
from a previously filed return no longer subject to assessment 65249
except to the extent that such liability is affected by an 65250
adjustment to the credit allowed by division (B) of this section. 65251

(b) In the case of an overpayment, an application for refund 65252
may be filed under this division within the ~~sixty-day~~ ninety-day 65253
period prescribed for filing the report even if it is beyond the 65254
period prescribed in section 5747.11 of the Revised Code if it 65255
otherwise conforms to the requirements of such section. An 65256
application filed under this division shall only claim refund of 65257
overpayments resulting from an adjustment to the credit allowed by 65258
division (B) of this section unless it is also filed within the 65259
time prescribed in section 5747.11 of the Revised Code. It shall 65260
not reopen the computation of the taxpayer's tax liability except 65261
to the extent that such liability is affected by an adjustment to 65262
the credit allowed by division (B) of this section. 65263

(4) No credit shall be allowed under division (B) of this 65264
section: 65265

(a) For income tax paid or accrued to another state or to the 65266
District of Columbia if the taxpayer, when computing federal 65267
adjusted gross income, has directly or indirectly deducted, or was 65268
required to directly or indirectly deduct, the amount of that 65269
income tax; 65270

(b) For compensation that is not subject to the income tax of 65271
another state or the District of Columbia as the result of an 65272
agreement entered into by the tax commissioner under division 65273
(A)(3) of this section; or 65274

(c) For income tax paid or accrued to another state or the 65275
District of Columbia if the taxpayer fails to furnish such proof 65276

as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

A.	B.	
IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:	
\$25,000 or less	20%	
More than \$25,000 but not more	15%	

than \$50,000

More than \$50,000 but not more than \$75,000 10% 65307

More than \$75,000 5% 65308

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 65309
65310

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 65311
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Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code. 65314
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(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent. 65325
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(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual. 65329
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(C) Returns or notices required of an estate or a trust shall 65335

be made and filed by the fiduciary of the estate or trust. 65336

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 65337
of this section, any pass-through entity may file a single return 65338
on behalf of one or more of the entity's investors other than an 65339
investor that is a person subject to the tax imposed under section 65340
5733.06 of the Revised Code. The single return shall set forth the 65341
name, address, and social security number or other identifying 65342
number of each of those pass-through entity investors and shall 65343
indicate the distributive share of each of those pass-through 65344
entity investor's income taxable in this state in accordance with 65345
sections 5747.20 to 5747.231 of the Revised Code. Such 65346
pass-through entity investors for whom the pass-through entity 65347
elects to file a single return are not entitled to the exemption 65348
or credit provided for by sections 5747.02 and 5747.022 of the 65349
Revised Code; shall calculate the tax before business credits at 65350
the highest rate of tax set forth in section 5747.02 of the 65351
Revised Code for the taxable year for which the return is filed; 65352
and are entitled to only their distributive share of the business 65353
credits as defined in division (D)(2) of this section. A single 65354
check drawn by the pass-through entity shall accompany the return 65355
in full payment of the tax due, as shown on the single return, for 65356
such investors, other than investors who are persons subject to 65357
the tax imposed under section 5733.06 of the Revised Code. 65358

(b)(i) A pass-through entity shall not include in such a 65359
single return any investor that is a trust to the extent that any 65360
direct or indirect current, future, or contingent beneficiary of 65361
the trust is a person subject to the tax imposed under section 65362
5733.06 of the Revised Code. 65363

(ii) A pass-through entity shall not include in such a single 65364
return any investor that is itself a pass-through entity to the 65365
extent that any direct or indirect investor in the second 65366
pass-through entity is a person subject to the tax imposed under 65367

section 5733.06 of the Revised Code. 65368

(c) Nothing in division (D) of this section precludes the tax 65369
commissioner from requiring such investors to file the return and 65370
make the payment of taxes and related interest, penalty, and 65371
interest penalty required by this section or section 5747.02, 65372
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 65373
of this section precludes such an investor from filing the annual 65374
return under this section, utilizing the refundable credit equal 65375
to the investor's proportionate share of the tax paid by the 65376
pass-through entity on behalf of the investor under division (I) 65377
of this section, and making the payment of taxes imposed under 65378
section 5747.02 of the Revised Code. Nothing in division (D) of 65379
this section shall be construed to provide to such an investor or 65380
pass-through entity any additional deduction or credit, other than 65381
the credit provided by division (I) of this section, solely on 65382
account of the entity's filing a return in accordance with this 65383
section. Such a pass-through entity also shall make the filing and 65384
payment of estimated taxes on behalf of the pass-through entity 65385
investors other than an investor that is a person subject to the 65386
tax imposed under section 5733.06 of the Revised Code. 65387

(2) For the purposes of this section, "business credits" 65388
means the credits listed in section 5747.98 of the Revised Code 65389
excluding the following credits: 65390

(a) The retirement income credit under division (B) of 65391
section 5747.055 of the Revised Code; 65392

(b) The senior citizen credit under division (F) of section 65393
5747.055 of the Revised Code; 65394

(c) The lump sum distribution credit under division (G) of 65395
section 5747.055 of the Revised Code; 65396

(d) The dependent care credit under section 5747.054 of the 65397
Revised Code; 65398

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	65399 65400
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	65401 65402
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	65403 65404
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	65405 65406
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	65407 65408
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	65409 65410
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	65411 65412
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	65413 65414
(m) The earned income tax credit under section 5747.71 of the Revised Code;	65415 65416
(n) The lead abatement credit under section 5747.26 of the Revised Code.	65417 65418
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	65419 65420 65421 65422 65423 65424 65425 65426
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall	65427 65428

be liable for any additional taxes, interest, interest penalty, or 65429
penalties imposed by this chapter if the tax commissioner finds 65430
that the single return does not reflect the correct tax due by the 65431
pass-through entity investors covered by that return. Nothing in 65432
this division shall be construed to limit or alter the liability, 65433
if any, imposed on pass-through entity investors for unpaid or 65434
underpaid taxes, interest, interest penalty, or penalties as a 65435
result of the pass-through entity's making the election provided 65436
for under division (D) of this section. For the purposes of 65437
division (D) of this section, "correct tax due" means the tax that 65438
would have been paid by the pass-through entity had the single 65439
return been filed in a manner reflecting the commissioner's 65440
findings. Nothing in division (D) of this section shall be 65441
construed to make or hold a pass-through entity liable for tax 65442
attributable to a pass-through entity investor's income from a 65443
source other than the pass-through entity electing to file the 65444
single return. 65445

(E) If a husband and wife file a joint federal income tax 65446
return for a taxable year, they shall file a joint return under 65447
this section for that taxable year, and their liabilities are 65448
joint and several, but, if the federal income tax liability of 65449
either spouse is determined on a separate federal income tax 65450
return, they shall file separate returns under this section. 65451

If either spouse is not required to file a federal income tax 65452
return and either or both are required to file a return pursuant 65453
to this chapter, they may elect to file separate or joint returns, 65454
and, pursuant to that election, their liabilities are separate or 65455
joint and several. If a husband and wife file separate returns 65456
pursuant to this chapter, each must claim the taxpayer's own 65457
exemption, but not both, as authorized under section 5747.02 of 65458
the Revised Code on the taxpayer's own return. 65459

(F) Each return or notice required to be filed under this 65460

section shall contain the signature of the taxpayer or the 65461
taxpayer's duly authorized agent and of the person who prepared 65462
the return for the taxpayer, and shall include the taxpayer's 65463
social security number. Each return shall be verified by a 65464
declaration under the penalties of perjury. The tax commissioner 65465
shall prescribe the form that the signature and declaration shall 65466
take. 65467

(G) Each return or notice required to be filed under this 65468
section shall be made and filed as required by section 5747.04 of 65469
the Revised Code, on or before the fifteenth day of April of each 65470
year, on forms that the tax commissioner shall prescribe, together 65471
with remittance made payable to the treasurer of state in the 65472
combined amount of the state and all school district income taxes 65473
shown to be due on the form. 65474

Upon good cause shown, the commissioner may extend the period 65475
for filing any notice or return required to be filed under this 65476
section and may adopt rules relating to extensions. If the 65477
extension results in an extension of time for the payment of any 65478
state or school district income tax liability with respect to 65479
which the return is filed, the taxpayer shall pay at the time the 65480
tax liability is paid an amount of interest computed at the rate 65481
per annum prescribed by section 5703.47 of the Revised Code on 65482
that liability from the time that payment is due without extension 65483
to the time of actual payment. Except as provided in section 65484
5747.132 of the Revised Code, in addition to all other interest 65485
charges and penalties, all taxes imposed under this chapter or 65486
Chapter 5748. of the Revised Code and remaining unpaid after they 65487
become due, except combined amounts due of one dollar or less, 65488
bear interest at the rate per annum prescribed by section 5703.47 65489
of the Revised Code until paid or until the day an assessment is 65490
issued under section 5747.13 of the Revised Code, whichever occurs 65491
first. 65492

If the commissioner considers it necessary in order to ensure 65493
the payment of the tax imposed by section 5747.02 of the Revised 65494
Code or any tax imposed under Chapter 5748. of the Revised Code, 65495
the commissioner may require returns and payments to be made 65496
otherwise than as provided in this section. 65497

To the extent that any provision in this division conflicts 65498
with any provision in section 5747.026 of the Revised Code, the 65499
provision in that section prevails. 65500

(H) The amounts withheld ~~by an employer~~ pursuant to section 65501
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 65502
~~section, 5747.062, 5747.063 of the Revised Code, or a lottery~~ 65503
~~sales agent pursuant to section, 5747.064, 5747.065, or 5747.071~~ 65504
of the Revised Code shall be allowed to the ultimate recipient of 65505
the ~~compensation casino winnings, or lottery prize award income~~ as 65506
credits against payment of the appropriate taxes imposed on the 65507
ultimate recipient by section 5747.02 and under Chapter 5748. of 65508
the Revised Code. As used in this division, "ultimate recipient" 65509
means the person who is required to report income from which 65510
amounts are withheld pursuant to section 5747.06, 5747.062, 65511
5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on 65512
the annual return required to be filed under this section. 65513

(I) If a pass-through entity elects to file a single return 65514
under division (D) of this section and if any investor is required 65515
to file the annual return and make the payment of taxes required 65516
by this chapter on account of the investor's other income that is 65517
not included in a single return filed by a pass-through entity or 65518
any other investor elects to file the annual return, the investor 65519
is entitled to a refundable credit equal to the investor's 65520
proportionate share of the tax paid by the pass-through entity on 65521
behalf of the investor. The investor shall claim the credit for 65522
the investor's taxable year in which or with which ends the 65523
taxable year of the pass-through entity. Nothing in this chapter 65524

shall be construed to allow any credit provided in this chapter to 65525
be claimed more than once. For the purpose of computing any 65526
interest, penalty, or interest penalty, the investor shall be 65527
deemed to have paid the refundable credit provided by this 65528
division on the day that the pass-through entity paid the 65529
estimated tax or the tax giving rise to the credit. 65530

(J) The tax commissioner shall ensure that each return 65531
required to be filed under this section includes a box that the 65532
taxpayer may check to authorize a paid tax preparer who prepared 65533
the return to communicate with the department of taxation about 65534
matters pertaining to the return. The return or instructions 65535
accompanying the return shall indicate that by checking the box 65536
the taxpayer authorizes the department of taxation to contact the 65537
preparer concerning questions that arise during the processing of 65538
the return and authorizes the preparer only to provide the 65539
department with information that is missing from the return, to 65540
contact the department for information about the processing of the 65541
return or the status of the taxpayer's refund or payments, and to 65542
respond to notices about mathematical errors, offsets, or return 65543
preparation that the taxpayer has received from the department and 65544
has shown to the preparer. 65545

(K) The tax commissioner shall permit individual taxpayers to 65546
instruct the department of taxation to cause any refund of 65547
overpaid taxes to be deposited directly into a checking account, 65548
savings account, or an individual retirement account or individual 65549
retirement annuity, or preexisting college savings plan or program 65550
account offered by the Ohio tuition trust authority under Chapter 65551
3334. of the Revised Code, as designated by the taxpayer, when the 65552
taxpayer files the annual return required by this section 65553
electronically. 65554

(L) A taxpayer claiming the deduction under division 65555
~~(A)(31)~~(A)(28) of section 5747.01 of the Revised Code for a 65556

taxable year shall indicate on the taxpayer's return the north 65557
American industry classification system code of each business or 65558
professional activity from which the taxpayer's business income 65559
was derived. The tax commissioner shall provide space on the 65560
return for this purpose and shall prescribe, by rule adopted in 65561
accordance with Chapter 119. of the Revised Code, the manner by 65562
which such a taxpayer shall determine the taxpayer's proper 65563
classification codes and business or professional activities from 65564
which the taxpayer derives business income. 65565

(M) The tax commissioner may adopt rules to administer this 65566
section. 65567

Sec. 5747.10. (A) As used in this section: 65568

(1) "Audited partnership" means a partnership subject to an 65569
examination by the internal revenue service pursuant to subchapter 65570
C, chapter 63, subtitle F of the Internal Revenue Code resulting 65571
in a federal adjustment. 65572

(2)(a) "Direct investor" means a partner or other investor 65573
that holds a direct interest in a pass-through entity. 65574

(b) "Indirect investor" means a partner or other investor 65575
that holds an interest in a pass-through entity that itself holds 65576
an interest, directly or through another indirect partner or other 65577
investor, in a pass-through entity. 65578

(3) "Exempt partner" means a partner that is neither a 65579
pass-through entity nor a person subject to the tax imposed by 65580
section 5747.02 of the Revised Code. 65581

(4) "Federal adjustment" means a change to an item or amount 65582
required to be determined under the Internal Revenue Code that 65583
directly or indirectly affects a taxpayer's aggregate tax 65584
liability under section 5747.02 or Chapter 5748. of the Revised 65585
Code and that results from an action or examination by the 65586

internal revenue service, or from the filing of an amended federal 65587
tax return, a claim for a federal tax refund, or an administrative 65588
adjustment request filed by a partnership under section 6227 of 65589
the Internal Revenue Code. 65590

(5) "Federal adjustments return" means the form or other 65591
document prescribed by the tax commissioner for use by a taxpayer 65592
in reporting final federal adjustments. 65593

(6) "State partnership representative" means either of the 65594
following: 65595

(a) The person who served as the partnership's representative 65596
for federal income tax purposes, pursuant to section 6223(a) of 65597
the Internal Revenue Code, during the corresponding federal 65598
partnership audit; 65599

(b) The person designated, on a form prescribed by the tax 65600
commissioner, to serve as the partnership's representative during 65601
the state partnership audit. The commissioner may establish 65602
reasonable qualifications and procedures for a person to be 65603
designated as a state partnership representative under this 65604
division. 65605

(7) A federal adjustment is "final" or "agreed to or finally 65606
determined for federal income tax purposes" on any of the 65607
following: 65608

(a) The day after which the period for appeal of a federal 65609
assessment has expired; 65610

(b) The date on a refund check issued by the internal revenue 65611
service; or 65612

(c) For agreements required to be signed by the internal 65613
revenue service and the taxpayer or audited partnership, the date 65614
on which the last party signed the agreement. 65615

(B)(1) If any of the facts, figures, computations, or 65616

attachments required in a taxpayer's annual return to determine 65617
the tax charged by this chapter or Chapter 5748. of the Revised 65618
Code must be altered as the result of a final federal adjustment, 65619
and the federal adjustment is not required to be reported under 65620
division (C) of this section, the taxpayer shall file an amended 65621
return with the tax commissioner in such form as the commissioner 65622
requires. The amended return shall be filed not later than ninety 65623
days after the federal adjustment has been agreed to or finally 65624
determined for federal income tax purposes. 65625

(2) "One hundred eighty" shall be substituted for "ninety" in 65626
divisions (B)(1) and (E)(1) of this section if, for any taxable 65627
year, the final federal adjustment results from taxes paid by the 65628
taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of 65629
section 5747.01 of the Revised Code. 65630

(C) Except for adjustments required to be reported for 65631
federal purposes pursuant to section 6225(a)(2) of the Internal 65632
Revenue Code and adjustments that are taken into account on a 65633
federal amended return or similar report filed pursuant to section 65634
6225(c)(2) of the Internal Revenue Code, partnerships and partners 65635
shall report final federal adjustments and make payments as 65636
required under division (C) of this section. 65637

(1) With respect to an action required or permitted to be 65638
taken by a partnership under this section, and any petition for 65639
reassessment or appeal to the board of tax appeals or any court 65640
with respect to such an action, the state partnership 65641
representative shall have the sole authority to act on behalf of 65642
the audited partnership, and the partnership's direct and indirect 65643
investors shall be bound by those actions. 65644

(2) Unless an audited partnership makes the election under 65645
division (C)(3) of this section: 65646

(a) The audited partnership, through its state partnership 65647

representative, shall do all of the following within ninety days 65648
after the federal adjustment is final: 65649

(i) File a federal adjustments return with the tax 65650
commissioner, including a copy of the notifications provided under 65651
division (C)(2)(a)(ii) of this section; 65652

(ii) Notify each of its direct investors, on a form 65653
prescribed by the commissioner, of the investor's distributive 65654
share of the final federal adjustments; 65655

(iii) File an amended tax return on behalf of its nonresident 65656
direct investors and pay any additional tax that would have been 65657
due under sections 5733.41 and 5747.41, or division (D) of section 65658
5747.08, of the Revised Code with respect to those direct 65659
investors had the final federal adjustments been reported properly 65660
on the original filing. 65661

(b) Each direct investor that is subject to the tax imposed 65662
by section 5747.02 of the Revised Code shall file an original or 65663
amended tax return to include the investor's distributive share of 65664
the adjustments reported to the direct investor under division 65665
(C)(2)(a) of this section, and pay any additional tax due, within 65666
ninety days after the audited partnership files its federal 65667
adjustments return with the commissioner. 65668

(c)(i) Each direct and indirect investor of an audited 65669
partnership that is a pass-through entity and all investors in 65670
such a pass-through entity that are subject to the filing and 65671
payment requirements of Chapters 5733. and 5747. of the Revised 65672
Code are subject to the reporting and payment requirements of 65673
division (C)(2) or, upon a timely election, division (C)(3) of 65674
this section. 65675

(ii) Such direct and indirect investors shall make the 65676
required returns and payments within ninety days after the 65677
deadline for filing and furnishing statements under section 65678

6226(b)(4) of the Internal Revenue Code and applicable treasury regulations. 65679
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(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final: 65681
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(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section; 65685
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(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following: 65688
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(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity; 65692
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(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer. 65695
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(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section. 65697
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(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section. 65701
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(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal 65706
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adjustments. Such an investor who files a return and reports the
income related to the final federal adjustments is entitled to a
refundable credit for taxes paid by the audited partnership under
division (C)(3)(b) of this section. The credit shall be computed
and claimed in the same manner as the credit allowed under
division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C)(4)(b)(i) of this section,
an exempt partner, whether a direct or indirect investor, may file
an application for refund of its proportionate share of the
amounts erroneously paid by the audited partnership pursuant to
division (C)(3)(b) of this section on the exempt partner's behalf.

(5) Upon request by an audited partnership, the tax
commissioner may agree, in writing, to allow an alternative method
of reporting and payment than required by ~~divisions~~ division
(C)(2) or (3) of this section. The request must be submitted to
the commissioner in writing before the applicable deadline for
filing a return under division (C)(2)(a) or (3) of this section.
The commissioner's decision on whether to enter into an agreement
under this division is not subject to further administrative
review or appeal.

(6) Nothing in division (C) of this section precludes either
of the following:

(a) A resident taxpayer from filing a return to claim the
credit under division (B) of section 5747.05 or division (D)(2) of
section 5747.02 of the Revised Code based upon any amounts paid by
the audited partnership on such investor's behalf to another
state.

(b) The tax commissioner from issuing an assessment under
this chapter against any direct or indirect investor for taxes due
from the investor if an audited partnership, or direct and
indirect investor of an audited partnership that is a pass-through

entity, fails to timely file any return or remit any payment 65740
required by this section or underreports income or underpays tax 65741
on behalf of an indirect investor who is a resident taxpayer. 65742

(D) In the case of an underpayment, and unless otherwise 65743
agreed to in writing by the tax commissioner: 65744

(1) The taxpayer's amended return shall be accompanied by 65745
payment of any combined additional tax due together with interest 65746
thereon. An amended return required by this section is a return 65747
subject to assessment under section 5747.13 of the Revised Code 65748
for the purpose of assessing any additional tax due under this 65749
section, together with any applicable penalty and interest. It 65750
shall not reopen those facts, figures, computations, or 65751
attachments from a previously filed return no longer subject to 65752
assessment that are not affected, either directly or indirectly, 65753
by the final federal adjustment to the taxpayer's federal income 65754
tax return. 65755

(2) The audited partnership's federal adjustments return 65756
shall be accompanied by payment of any combined additional tax due 65757
together with interest thereon. The federal adjustments return 65758
required by this section is a return subject to assessment under 65759
section 5747.13 of the Revised Code for the purpose of assessing 65760
any additional tax due under this section, together with any 65761
applicable penalty and interest. It shall not reopen those facts, 65762
figures, computations, or attachments from a previously filed 65763
return no longer subject to assessment that are not affected, 65764
either directly or indirectly, by the final federal adjustment. 65765

(3) The tax commissioner may accept estimated payments of the 65766
tax arising from pending federal adjustments before the date for 65767
filing a federal adjustments return. The commissioner may adopt 65768
rules for the payment of such estimated taxes. 65769

(E) In the case of an overpayment, and unless otherwise 65770

agreed to in writing by the tax commissioner: 65771

(1) A taxpayer may file an application for refund under this 65772
division within the ninety-day period prescribed for filing the 65773
amended return even if it is filed beyond the period prescribed in 65774
section 5747.11 of the Revised Code if it otherwise conforms to 65775
the requirements of such section. An application filed under this 65776
division shall claim refund of overpayments resulting from 65777
alterations to only those facts, figures, computations, or 65778
attachments required in the taxpayer's annual return that are 65779
affected, either directly or indirectly, by the final federal 65780
adjustment to the taxpayer's federal income tax return unless it 65781
is also filed within the time prescribed in section 5747.11 of the 65782
Revised Code. It shall not reopen those facts, figures, 65783
computations, or attachments that are not affected, either 65784
directly or indirectly, by the adjustment to the taxpayer's 65785
federal income tax return. 65786

(2)(a) Except as otherwise provided in division (E)(2)(b) of 65787
this section, an audited partnership may file an application for a 65788
refund under this division within the ninety-day period prescribed 65789
for filing the federal adjustments return, even if it is filed 65790
beyond the period prescribed by section 5747.11 of the Revised 65791
Code, if it otherwise conforms to the requirements of that 65792
section. An application filed under this division may claim a 65793
refund of overpayments resulting only from final federal 65794
adjustments unless it is also filed within the time prescribed by 65795
section 5747.11 of the Revised Code. It shall not reopen those 65796
facts, figures, computations, or attachments that are not 65797
affected, either directly or indirectly, by the federal 65798
adjustment. 65799

(b) An audited partnership may not file an application for 65800
refund under division (E) of this section based on final federal 65801
adjustments described in section 6225(a)(2) of the Internal 65802

Revenue Code. 65803

(3) Any refund granted to a pass-through entity filing an 65804
application for refund under division (E) of this section shall be 65805
reduced by amounts previously claimed as a credit under section 65806
5747.059 or division (I) of section 5747.08 of the Revised Code by 65807
the pass-through entity's direct or indirect investors. 65808

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 65809
section, an audited partnership, or a direct or indirect investor 65810
of an audited partnership that is a pass-through entity, may 65811
automatically extend the deadline for reporting, payments, and 65812
refunds under this section by sixty days if the entity has ten 65813
thousand or more direct investors and notifies the commissioner of 65814
such extension, in writing, before the unextended deadline. 65815

Sec. 5747.79. (A) As used in this section and division 65816
(A)(34) of section 5747.01 of the Revised Code: 65817

(1) "Qualifying capital gain" means a capital gain from the 65818
sale of an interest in an entity reported for the taxable year to 65819
the internal revenue service pursuant to the Internal Revenue 65820
Code, to the extent that such capital gain is not otherwise 65821
deducted or excluded in computing federal or Ohio adjusted gross 65822
income for the taxable year, provided that all of the following 65823
apply: 65824

(a) The taxpayer that sold the interest either: 65825

(i) Materially participated in the activities of the entity 65826
for the five years immediately preceding the time of sale. For the 65827
purposes of this division, a taxpayer materially participates in 65828
the activities of the entity if the taxpayer meets the 65829
requirements of divisions (a)(1), (2), (3), (4), or (7) of 26 65830
C.F.R. 1.469-5T. 65831

(ii) Directly or indirectly made a venture capital investment 65832

of at least one million dollars in the entity. As used in this 65833
division, "venture capital investment" has the same meaning as in 65834
division (d)(3) of 29 C.F.R. 2510.3-101. 65835

(b) The entity is incorporated, registered, or organized in 65836
this state during the five years immediately preceding the time of 65837
sale. 65838

(c) The entity is headquartered in this state during the five 65839
years immediately preceding the time of sale. 65840

(2) A "sale of an interest in an entity" includes the sale, 65841
exchange, or other disposition of stock, a membership interest, or 65842
any other equity or ownership interest, owned directly or 65843
indirectly by the taxpayer, in an entity that conducts a trade or 65844
business in this state. 65845

(3) "Qualifying payroll" means the amount of compensation 65846
used to determine the withholding obligations in division (A) of 65847
section 5747.06 of the Revised Code and paid over one of the 65848
following periods by the entity whose sale generated the 65849
qualifying capital gain: 65850

(a) The five calendar years immediately preceding the time of 65851
sale for a taxpayer described in division (A)(1)(a)(i) of this 65852
section; 65853

(b) The investment period, not to exceed the five calendar 65854
years, immediately preceding the time of sale for a taxpayer 65855
described in division (A)(1)(a)(ii) of this section. 65856

"Qualifying payroll" does not include any amounts paid to the 65857
taxpayer, or the taxpayer's spouse, parents, grandparents, 65858
children, or grandchildren. 65859

(4) "Deductible payroll" means the qualifying payroll of the 65860
entity in which a taxpayer sold an ownership interest multiplied 65861
by the percentage of the interest in the entity the taxpayer sold. 65862

(B) In computing Ohio adjusted gross income for taxable years beginning in or after 2026, a deduction from federal adjusted gross income is allowed to a taxpayer that realizes a qualifying capital gain during the taxable year. The deduction shall equal the lesser of the taxpayer's qualifying capital gain or the deductible payroll. 65863
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(C) If a taxpayer has multiple capital gains from the sale of interests in different entities during the taxable year, the following apply: 65869
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(1) Each capital gain must meet the requirements of divisions (A)(1)(a) to (c) of this section to be classified as a qualifying capital gain. 65872
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(2) The deduction shall equal the lesser of the taxpayer's qualifying capital gain from the sale of each entity or the deductible payroll attributable to that entity. The deduction amounts related to each entity shall then be aggregated to determine the total deduction allowed. 65875
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(D) On request of the tax commissioner, the taxpayer shall provide any information that, in the commissioner's opinion, is necessary to establish the amount deducted under division (A)(34) of section 5747.01 of the Revised Code. 65880
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a 65884
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transactional tax and is not subject to Public Law No. 86-272, 73 65894
Stat. 555. The tax imposed under this section is in addition to 65895
any other taxes or fees imposed under the Revised Code. The tax 65896
levied under this section is imposed on the person receiving the 65897
gross receipts and is not a tax imposed directly on a purchaser. 65898
The tax imposed by this section is an annual privilege tax for the 65899
calendar year that, in the case of calendar year taxpayers, is the 65900
annual tax period and, in the case of calendar quarter taxpayers, 65901
contains all quarterly tax periods in the calendar year. A 65902
taxpayer is subject to the annual privilege tax for doing business 65903
during any portion of such calendar year. 65904

(B) The tax imposed by this section is a tax on the taxpayer 65905
and shall not be billed or invoiced to another person. Even if the 65906
tax or any portion thereof is billed or invoiced and separately 65907
stated, such amounts remain part of the price for purposes of the 65908
sales and use taxes levied under Chapters 5739. and 5741. of the 65909
Revised Code. Nothing in division (B) of this section prohibits: 65910

(1) A person from including in the price charged for a good 65911
or service an amount sufficient to recover the tax imposed by this 65912
section; or 65913

(2) A lessor from including an amount sufficient to recover 65914
the tax imposed by this section in a lease payment charged, or 65915
from including such an amount on a billing or invoice pursuant to 65916
the terms of a written lease agreement providing for the recovery 65917
of the lessor's tax costs. The recovery of such costs shall be 65918
based on an estimate of the total tax cost of the lessor during 65919
the tax period, as the tax liability of the lessor cannot be 65920
calculated until the end of that period. 65921

(C)(1) The commercial activities tax receipts fund is hereby 65922
created in the state treasury and shall consist of money arising 65923
from the tax imposed under this chapter. ~~Sixty-five one hundredths~~ 65924

One-half of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	65942
2016 and 2017	75.0%	20.0%	5.0%	65943
2018 and thereafter	85.0%	13.0%	2.0%	65944

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1,

2013, for a tax period ending before July 1, 2014, bears to (b) 65954
all taxable gross receipts as indicated by those returns for such 65955
liabilities. 65956

(D)(1) If the total amount in the school district tangible 65957
property tax replacement fund is insufficient to make all payments 65958
under section 5709.92 of the Revised Code at the times the 65959
payments are to be made, the director of budget and management 65960
shall transfer from the general revenue fund to the school 65961
district tangible property tax replacement fund the difference 65962
between the total amount to be paid and the amount in the school 65963
district tangible property tax replacement fund. 65964

(2) If the total amount in the local government tangible 65965
property tax replacement fund is insufficient to make all payments 65966
under section 5709.93 of the Revised Code at the times the 65967
payments are to be made, the director of budget and management 65968
shall transfer from the general revenue fund to the local 65969
government tangible property tax replacement fund the difference 65970
between the total amount to be paid and the amount in the local 65971
government tangible property tax replacement fund. 65972

(E)(1) On or after the first day of June of each year, the 65973
director of budget and management may transfer any balance in the 65974
school district tangible property tax replacement fund to the 65975
general revenue fund. 65976

(2) On or after the first day of June of each year, the 65977
director of budget and management may transfer any balance in the 65978
local government tangible property tax replacement fund to the 65979
general revenue fund. 65980

(F)(1) There is hereby created in the state treasury the 65981
commercial activity tax motor fuel receipts fund. 65982

(2) On or before the fifteenth day of June of each fiscal 65983
year beginning with fiscal year 2015, the director of the Ohio 65984

public works commission shall certify to the director of budget 65985
and management the amount of debt service paid from the general 65986
revenue fund in the current fiscal year on bonds issued to finance 65987
or assist in the financing of the cost of local subdivision public 65988
infrastructure capital improvement projects, as provided for in 65989
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 65990
that are attributable to costs for construction, reconstruction, 65991
maintenance, or repair of public highways and bridges and other 65992
statutory highway purposes. That certification shall allocate the 65993
total amount of debt service paid from the general revenue fund 65994
and attributable to those costs in the current fiscal year 65995
according to the applicable section of the Ohio Constitution under 65996
which the bonds were originally issued. 65997

(3) On or before the thirtieth day of June of each fiscal 65998
year beginning with fiscal year 2015, the director of budget and 65999
management shall determine an amount up to but not exceeding the 66000
amount certified under division (F)(2) of this section and shall 66001
reserve that amount from the cash balance in the petroleum 66002
activity tax public highways fund or the commercial activity tax 66003
motor fuel receipts fund for transfer to the general revenue fund 66004
at times and in amounts to be determined by the director. The 66005
director shall transfer the cash balance in the petroleum activity 66006
tax public highways fund or the commercial activity tax motor fuel 66007
receipts fund in excess of the amount so reserved to the highway 66008
operating fund on or before the thirtieth day of June of the 66009
current fiscal year. 66010

Sec. 5751.03. (A) Except as provided in division (B) of this 66011
section, the tax levied under this section for each tax period 66012
shall be the product of two and six-tenths mills per dollar times 66013
the remainder of the taxpayer's taxable gross receipts for the tax 66014
period after subtracting the exclusion amount provided for in 66015
division (C) of this section. 66016

(B) Notwithstanding division (C) of this section, the tax on the first one million dollars in taxable gross receipts each calendar year shall be calculated as follows:

(1) For taxpayers with annual taxable gross receipts of one million dollars or less for the immediately preceding calendar year, one hundred fifty dollars;

(2) For taxpayers with annual taxable gross receipts greater than one million dollars, but less than or equal to two million dollars for the immediately preceding calendar year, eight hundred dollars;

(3) For taxpayers with annual taxable gross receipts greater than two million dollars, but less than or equal to four million dollars for the immediately preceding calendar year, two thousand one hundred dollars;

(4) For taxpayers with annual taxable gross receipts greater than four million dollars for the immediately preceding calendar year, two thousand six hundred dollars.

The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.

(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.

(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the

change, apply the full one-million-dollar exclusion amount to the 66048
first calendar quarter return the taxpayer files that calendar 66049
year. Such taxpayers may carry forward and apply any unused 66050
exclusion amount to subsequent calendar quarters within that same 66051
calendar year. The tax rate shall be based on the rate imposed 66052
that calendar quarter when the taxpayer switches from a calendar 66053
year to a calendar quarter tax period. 66054

(3) A taxpayer shall not exclude more than one million 66055
dollars pursuant to division (C) of this section in a calendar 66056
year. 66057

Sec. 5751.40. (A) As used in this section and division 66058
(F)(2)(z) of section 5751.01 of the Revised Code: 66059

(1) "Qualifying distribution center receipts" means receipts 66060
of a supplier from qualified property that is delivered to a 66061
qualified distribution center, multiplied by a quantity that 66062
equals one minus the Ohio delivery percentage. If the qualified 66063
distribution center is a refining facility, "supplier" includes 66064
all dealers, brokers, processors, sellers, vendors, cosigners, and 66065
distributors of qualified property. 66066

(2) "Qualified property" means tangible personal property 66067
delivered to a qualified distribution center that is shipped to 66068
that qualified distribution center solely for further shipping by 66069
the qualified distribution center to another location in this 66070
state or elsewhere or, in the case of gold, silver, platinum, or 66071
palladium delivered to a refining facility solely for refining to 66072
a grade and fineness acceptable for delivery to a registered 66073
commodities exchange. "Further shipping" includes storing and 66074
repackaging property into smaller or larger bundles, so long as 66075
the property is not subject to further manufacturing or 66076
processing. "Refining" is limited to extracting impurities from 66077
gold, silver, platinum, or palladium through smelting or some 66078

other process at a refining facility. 66079

(3) "Qualified distribution center" means a warehouse, a 66080
facility similar to a warehouse, or a refining facility in this 66081
state that, for the qualifying year, is operated by a person that 66082
is not part of a combined taxpayer group and that has a qualifying 66083
certificate. All warehouses or facilities similar to warehouses 66084
that are operated by persons in the same taxpayer group and that 66085
are located within one mile of each other shall be treated as one 66086
qualified distribution center. All refining facilities that are 66087
operated by persons in the same taxpayer group and that are 66088
located in the same or adjacent counties may be treated as one 66089
qualified distribution center. 66090

(4) "Qualifying year" means the calendar year to which the 66091
qualifying certificate applies. 66092

(5) "Qualifying period" means the period of the first day of 66093
July of the second year preceding the qualifying year through the 66094
thirtieth day of June of the year preceding the qualifying year. 66095

(6) "Qualifying certificate" means the certificate issued by 66096
the tax commissioner after the operator of a distribution center 66097
files an annual application with the commissioner under division 66098
(B) of this section. 66099

(7) "Ohio delivery percentage" means the proportion of the 66100
total property delivered to a destination inside Ohio from the 66101
qualified distribution center during the qualifying period 66102
compared with total deliveries from such distribution center 66103
everywhere during the qualifying period. 66104

(8) "Refining facility" means one or more buildings located 66105
in a county in the Appalachian region of this state as defined by 66106
section 107.21 of the Revised Code and utilized for refining or 66107
smelting gold, silver, platinum, or palladium to a grade and 66108
fineness acceptable for delivery to a registered commodities 66109

exchange. 66110

(9) "Registered commodities exchange" means a board of trade, 66111
such as New York mercantile exchange, inc. or commodity exchange, 66112
inc., designated as a contract market by the commodity futures 66113
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 66114
et seq., as amended. 66115

(10) "Ineligible operator's supplier tax liability" means an 66116
amount equal to the tax liability of all suppliers of a 66117
distribution center had the distribution center not been issued a 66118
qualifying certificate for the qualifying year. Ineligible 66119
operator's supplier tax liability shall not include interest or 66120
penalties. 66121

(B) For purposes of division (B) of this section, "supplier" 66122
excludes any person that is part of the consolidated elected 66123
taxpayer group, if applicable, of the operator of the qualified 66124
distribution center. 66125

(1) An application for a qualifying certificate to be a 66126
qualified distribution center shall be filed, and an annual fee 66127
paid, for each qualified distribution center on or before the 66128
first day of September before the qualifying year or within 66129
forty-five days after the distribution center opens, whichever is 66130
later. The applicant must substantiate to the commissioner's 66131
satisfaction that, for the qualifying period, all persons 66132
operating the distribution center have more than fifty per cent of 66133
the cost of the qualified property shipped to a location such that 66134
it would be situated outside this state under the provisions of 66135
division (E) of section 5751.033 of the Revised Code. The 66136
applicant must also substantiate that the distribution center 66137
cumulatively had costs from its suppliers equal to or exceeding 66138
five hundred million dollars during the qualifying period. 66139

The commissioner may require an applicant to have an 66140

independent certified public accountant certify that the 66141
calculation of the minimum thresholds required for a qualified 66142
distribution center by the operator of a distribution center has 66143
been made in accordance with generally accepted accounting 66144
principles. The commissioner shall issue or deny the issuance of a 66145
certificate within sixty days after the receipt of the 66146
application. A denial is subject to appeal under section 5717.02 66147
of the Revised Code. If the operator files a timely appeal under 66148
section 5717.02 of the Revised Code, the operator shall be granted 66149
a qualifying certificate effective for the remainder of the 66150
qualifying year or until the appeal is finalized, whichever is 66151
earlier. If the operator does not prevail in the appeal, the 66152
operator shall pay the ineligible operator's supplier tax 66153
liability. 66154

(2) If the distribution center is new and was not open for 66155
the entire qualifying period, the operator of the distribution 66156
center may request that the commissioner grant a qualifying 66157
certificate. If the certificate is granted and it is later 66158
determined that more than fifty per cent of the qualified property 66159
during that year was not shipped to a location such that it would 66160
be situated outside of this state under the provisions of division 66161
(E) of section 5751.033 of the Revised Code or if it is later 66162
determined that the person that operates the distribution center 66163
had average monthly costs from its suppliers of less than forty 66164
million dollars during that year, then the operator of the 66165
distribution center shall pay the ineligible operator's supplier 66166
tax liability. 66167

(3) The commissioner may grant a qualifying certificate to a 66168
distribution center that does not qualify as a qualified 66169
distribution center for an entire qualifying period if the 66170
operator of the distribution center demonstrates that the business 66171
operations of the distribution center have changed or will change 66172

such that the distribution center will qualify as a qualified 66173
distribution center within thirty-six months after the date the 66174
operator first applies for a certificate. If, at the end of that 66175
thirty-six-month period, the business operations of the 66176
distribution center have not changed such that the distribution 66177
center qualifies as a qualified distribution center, the operator 66178
of the distribution center shall pay the ineligible operator's 66179
supplier tax liability for each year that the distribution center 66180
received a certificate but did not qualify as a qualified 66181
distribution center. For each year the distribution center 66182
receives a certificate under division (B)(3) of this section, the 66183
distribution center shall pay all applicable fees required under 66184
this section and shall submit an updated business plan showing the 66185
progress the distribution center made toward qualifying as a 66186
qualified distribution center during the preceding year. 66187

(4) An operator may appeal a determination under division 66188
~~(B)(1)~~(B)(2) or ~~(2)~~(3) of this section that the ineligible 66189
operator is liable for the operator's supplier tax liability as a 66190
result of not qualifying as a qualified distribution center, as 66191
provided in section 5717.02 of the Revised Code. 66192

(C)(1) When filing an application for a qualifying 66193
certificate under division (B)(1) of this section, the operator of 66194
a qualified distribution center also shall provide documentation, 66195
as the commissioner requires, for the commissioner to ascertain 66196
the Ohio delivery percentage. The commissioner, upon issuing the 66197
qualifying certificate, also shall certify the Ohio delivery 66198
percentage. The operator of the qualified distribution center may 66199
appeal the commissioner's certification of the Ohio delivery 66200
percentage in the same manner as an appeal is taken from the 66201
denial of a qualifying certificate under division (B)(1) of this 66202
section. 66203

(2) In the case where the distribution center is new and not 66204

open for the entire qualifying period, the operator shall make a 66205
good faith estimate of an Ohio delivery percentage for use by 66206
suppliers in their reports of taxable gross receipts for the 66207
remainder of the qualifying period. The operator of the facility 66208
shall disclose to the suppliers that such Ohio delivery percentage 66209
is an estimate and is subject to recalculation. By the due date of 66210
the next application for a qualifying certificate, the operator 66211
shall determine the actual Ohio delivery percentage for the 66212
estimated qualifying period and proceed as provided in division 66213
(C)(1) of this section with respect to the calculation and 66214
recalculation of the Ohio delivery percentage. The supplier is 66215
required to file, within sixty days after receiving notice from 66216
the operator of the qualified distribution center, amended reports 66217
for the impacted calendar quarter or quarters or calendar year, 66218
whichever the case may be. Any additional tax liability or tax 66219
overpayment shall be subject to interest but shall not be subject 66220
to the imposition of any penalty so long as the amended returns 66221
are timely filed. 66222

(3) The operator of a distribution center that receives a 66223
qualifying certificate under division (B)(3) of this section shall 66224
make a good faith estimate of the Ohio delivery percentage that 66225
the operator estimates will apply to the distribution center at 66226
the end of the thirty-six-month period after the operator first 66227
applied for a qualifying certificate under that division. The 66228
result of the estimate shall be multiplied by a factor of one and 66229
seventy-five one-hundredths. The product of that calculation shall 66230
be the Ohio delivery percentage used by suppliers in their reports 66231
of taxable gross receipts for each qualifying year that the 66232
distribution center receives a qualifying certificate under 66233
division (B)(3) of this section, except that, if the product is 66234
less than five per cent, the Ohio delivery percentage used shall 66235
be five per cent and that, if the product exceeds forty-nine per 66236
cent, the Ohio delivery percentage used shall be forty-nine per 66237

cent. 66238

(D) Qualifying certificates and Ohio delivery percentages 66239
issued by the commissioner shall be open to public inspection and 66240
shall be timely published by the commissioner. A supplier relying 66241
in good faith on a certificate issued under this section shall not 66242
be subject to tax on the qualifying distribution center receipts 66243
under this section and division (F)(2)(z) of section 5751.01 of 66244
the Revised Code. An operator receiving a qualifying certificate 66245
is liable for the ineligible operator's supplier tax liability for 66246
each year the operator received a certificate but did not qualify 66247
as a qualified distribution center. 66248

(E) The tax commissioner shall determine an ineligible 66249
operator's supplier tax liability based on information that the 66250
commissioner may request from the operator of the distribution 66251
center. An operator shall provide a list of all suppliers of the 66252
distribution center and the corresponding costs of qualified 66253
property for the qualifying year at issue within sixty days of a 66254
request by the commissioner under this division. 66255

(F) The annual fee for a qualifying certificate shall be one 66256
hundred thousand dollars for each qualified distribution center. 66257
If a qualifying certificate is not issued, the annual fee is 66258
subject to refund after the exhaustion of all appeals provided for 66259
in division (B)(1) of this section. The first one hundred thousand 66260
dollars of the annual application fees collected each calendar 66261
year shall be credited to the revenue enhancement fund. The 66262
remainder of the annual application fees collected shall be 66263
distributed in the same manner required under section 5751.20 of 66264
the Revised Code. 66265

(G) The tax commissioner may require that adequate security 66266
be posted by the operator of the distribution center on appeal 66267
when the commissioner disagrees that the applicant has met the 66268
minimum thresholds for a qualified distribution center as set 66269

forth in this section.	66270
Sec. 5919.34. (A) As used in this section:	66271
(1) "Academic term" means any one of the following:	66272
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	66273 66274
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	66275 66276
(c) Spring term, which consists of spring quarter;	66277
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	66278 66279
(2) "Eligible applicant" means any individual to whom all of the following apply:	66280 66281
(a) The individual does not possess a baccalaureate degree.	66282
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	66283 66284 66285
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing, <u>or in a</u> <u>credential-certifying program, licensing program, trade</u> <u>certification program, or apprenticeship program for an in-demand</u> <u>trade as identified by the adjutant general, the office of</u> <u>workforce development within the department of job and family</u> <u>services, or the chancellor of higher education.</u>	66286 66287 66288 66289 66290 66291 66292 66293 66294 66295 66296 66297
(d) The individual has not accumulated ninety-six eligibility	66298

units under division (E) of this section. 66299

(3) "State institution of higher education" means any state 66300
university or college as defined in division (A)(1) of section 66301
3345.12 of the Revised Code, community college established under 66302
Chapter 3354. of the Revised Code, state community college 66303
established under Chapter 3358. of the Revised Code, university 66304
branch established under Chapter 3355. of the Revised Code, or 66305
technical college established under Chapter 3357. of the Revised 66306
Code. 66307

(4) "Private institution of higher education" means an Ohio 66308
institution of higher education that is nonprofit and has received 66309
a certificate of authorization pursuant to Chapter 1713. of the 66310
Revised Code, that is a private institution exempt from regulation 66311
under Chapter 3332. of the Revised Code as prescribed in section 66312
3333.046 of the Revised Code, or that holds a certificate of 66313
registration and program authorization issued by the state board 66314
of career colleges and schools pursuant to section 3332.05 of the 66315
Revised Code. 66316

(5) "Tuition" means the charges imposed to attend an 66317
institution of higher education and includes general and 66318
instructional fees. "Tuition" does not include laboratory fees, 66319
room and board, or other similar fees and charges. 66320

(B) There is hereby created a scholarship program to be known 66321
as the Ohio national guard scholarship program. 66322

(C)(1) The adjutant general shall approve scholarships for 66323
all eligible applicants. The adjutant general shall process all 66324
applications for scholarships for each academic term in the order 66325
in which they are received. The scholarships shall be made without 66326
regard to financial need. At no time shall one person be placed in 66327
priority over another because of sex, race, or religion. 66328

(2) The adjutant general shall develop and provide a written 66329

explanation that informs all eligible scholarship recipients that 66330
the recipient may become ineligible and liable for repayment for 66331
an amount of scholarship payments received in accordance with 66332
division (G) of this section. The written explanation shall be 66333
reviewed by the scholarship recipient before acceptance of the 66334
scholarship and before acceptance of an enlistment, warrant, 66335
commission, or appointment for a term not less than the 66336
recipient's remaining term in the national guard or in the active 66337
duty component of the United States armed forces. 66338

(D)(1) Except as provided in divisions (I) and (J) of this 66339
section, for each academic term that an eligible applicant is 66340
approved for a scholarship under this section and either remains a 66341
current member in good standing of the Ohio national guard or is 66342
eligible for a scholarship under division (F)(1) of this section, 66343
the institution of higher education in which the applicant is 66344
enrolled shall, if the applicant's enlistment obligation extends 66345
beyond the end of that academic term or if division (F)(1) of this 66346
section applies, be paid on the applicant's behalf the applicable 66347
one of the following amounts: 66348

(a) If the institution is a state institution of higher 66349
education, an amount equal to one hundred per cent of the 66350
institution's tuition charges; 66351

(b) If the institution is a nonprofit private institution or 66352
a private institution exempt from regulation under Chapter 3332. 66353
of the Revised Code as prescribed in section 3333.046 of the 66354
Revised Code, an amount equal to one hundred per cent of the 66355
average tuition charges of all state universities; 66356

(c) If the institution is an institution that holds a 66357
certificate of registration from the state board of career 66358
colleges and schools, the lesser of the following: 66359

(i) An amount equal to one hundred per cent of the 66360

institution's tuition; 66361

(ii) An amount equal to one hundred per cent of the average 66362
tuition charges of all state universities, as that term is defined 66363
in section 3345.011 of the Revised Code. 66364

(2) The adjutant general and the chancellor ~~of higher~~ 66365
~~education~~ may jointly adopt rules to require the use of other 66366
federal educational financial assistance programs, including such 66367
programs offered by the United States department of defense, for 66368
which an applicant is eligible based on the applicant's military 66369
service. If such rules are adopted, the rules shall require that 66370
financial assistance received by a scholarship recipient under 66371
those programs be applied to all eligible expenses prior to the 66372
use of scholarship funds awarded under this section. Scholarship 66373
funds awarded under this section shall then be applied to the 66374
recipient's remaining eligible expenses. 66375

(3) An eligible applicant's scholarship shall not be reduced 66376
by the amount of that applicant's benefits under "the Montgomery 66377
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 66378

(E) A scholarship recipient under this section shall be 66379
entitled to receive scholarships under this section for the number 66380
of quarters or semesters it takes the recipient to accumulate 66381
ninety-six eligibility units as determined under divisions (E)(1) 66382
to (3) of this section. 66383

(1) To determine the maximum number of semesters or quarters 66384
for which a recipient is entitled to a scholarship under this 66385
section, the adjutant general shall convert a recipient's credit 66386
hours of enrollment for each academic term into eligibility units 66387
in accordance with the following table: 66388

	The		66389
Number of	following	The following	66390
credit hours	number of	number of	66391

of enrollment	eligibility	eligibility	66392
in an academic	units if a	units if a	66393
term	equals semester	or quarter	66394
			66395
12 or more hours	12 units	8 units	66396
9 but less than 12	9 units	6 units	66397
6 but less than 9	6 units	4 units	66398
3 but less than 6	3 units	2 units	66399

(2) A scholarship recipient under this section may continue 66400
to apply for scholarships under this section until the recipient 66401
has accumulated ninety-six eligibility units. 66402

(3) If a scholarship recipient withdraws from courses prior 66403
to the end of an academic term so that the recipient's enrollment 66404
for that academic term is less than three credit hours, no 66405
scholarship shall be paid on behalf of that person for that 66406
academic term. Except as provided in division (F)(3) of this 66407
section, if a scholarship has already been paid on behalf of the 66408
person for that academic term, the adjutant general shall add to 66409
that person's accumulated eligibility units the number of 66410
eligibility units for which the scholarship was paid. 66411

(F) This division applies to any eligible applicant called 66412
into active duty on or after September 11, 2001. As used in this 66413
division, "active duty" means active duty pursuant to an executive 66414
order of the president of the United States, an act of the 66415
congress of the United States, or section 5919.29 or 5923.21 of 66416
the Revised Code. 66417

(1) For a period of up to five years from when an 66418
individual's enlistment obligation in the Ohio national guard 66419
ends, an individual to whom this division applies is eligible for 66420
scholarships under this section for those academic terms that were 66421
missed or could have been missed as a result of the individual's 66422
call into active duty. Scholarships shall not be paid for the 66423

academic term in which an eligible applicant's enlistment 66424
obligation ends unless an applicant is eligible under this 66425
division for a scholarship for such academic term due to previous 66426
active duty. 66427

(2) When an individual to whom this division applies 66428
withdraws or otherwise fails to complete courses, for which 66429
scholarships have been awarded under this section, because the 66430
individual was called into active duty, the institution of higher 66431
education shall grant the individual a leave of absence from the 66432
individual's education program and shall not impose any academic 66433
penalty for such withdrawal or failure to complete courses. 66434
Division (F)(2) of this section applies regardless of whether or 66435
not the scholarship amount was paid to the institution of higher 66436
education. 66437

(3) If an individual to whom this division applies withdraws 66438
or otherwise fails to complete courses because the individual was 66439
called into active duty, and if scholarships for those courses 66440
have already been paid, either: 66441

(a) The adjutant general shall not add to that person's 66442
accumulated eligibility units calculated under division (E) of 66443
this section the number of eligibility units for the academic 66444
courses or term for which the scholarship was paid and the 66445
institution of higher education shall repay the scholarship amount 66446
to the state. 66447

(b) The adjutant general shall add to that individual's 66448
accumulated eligibility units calculated under division (E) of 66449
this section the number of eligibility units for the academic 66450
courses or term for which the scholarship was paid if the 66451
institution of higher education agrees to permit the individual to 66452
complete the remainder of the academic courses in which the 66453
individual was enrolled at the time the individual was called into 66454
active duty. 66455

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

The attorney general may commence a civil action on behalf of the chancellor to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability.

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the

adjutant general and the chancellor. Except as provided in 66488
division (J) of this section, the chancellor shall provide for 66489
payment of the appropriate number and amount of scholarships to 66490
each institution of higher education pursuant to division (D) of 66491
this section. If an institution of higher education fails to 66492
certify the actual enrollment of a scholarship recipient listed as 66493
enrolled at the institution within thirty days of the end of an 66494
academic term, the institution shall not be eligible to receive 66495
payment from the Ohio national guard scholarship program or from 66496
the individual enrollee. The adjutant general shall report on a 66497
semiannual basis to the director of budget and management, the 66498
speaker of the house of representatives, the president of the 66499
senate, and the chancellor the number of Ohio national guard 66500
scholarship recipients, the size of the scholarship-eligible 66501
population, and a projection of the cost of the program for the 66502
remainder of the biennium. 66503

(I) The chancellor and the adjutant general may adopt rules 66504
pursuant to Chapter 119. of the Revised Code governing the 66505
administration and fiscal management of the Ohio national guard 66506
scholarship program and the procedure by which the chancellor and 66507
the department of the adjutant general may modify the amount of 66508
scholarships a member receives based on the amount of other state 66509
financial aid a member receives. 66510

(J) The adjutant general, the chancellor, and the director, 66511
or their designees, shall jointly estimate the costs of the Ohio 66512
national guard scholarship program for each upcoming fiscal 66513
biennium, and shall report that estimate prior to the beginning of 66514
the fiscal biennium to the chairpersons of the finance committees 66515
in the general assembly. During each fiscal year of the biennium, 66516
the adjutant general, the chancellor, and the director, or their 66517
designees, shall meet regularly to monitor the actual costs of the 66518
Ohio national guard scholarship program and update cost 66519

projections for the remainder of the biennium as necessary. If the 66520
amounts appropriated for the Ohio national guard scholarship 66521
program and any funds in the Ohio national guard scholarship 66522
reserve fund and the Ohio national guard scholarship donation fund 66523
are not adequate to provide scholarships in the amounts specified 66524
in division (D)(1) of this section for all eligible applicants, 66525
the chancellor shall do all of the following: 66526

(1) Notify each private institution of higher education, 66527
where a scholarship recipient is enrolled, that, by accepting the 66528
Ohio national guard scholarship program as payment for all or part 66529
of the institution's tuition, the institution agrees that if the 66530
chancellor reduces the amount of each scholarship, the institution 66531
shall provide each scholarship recipient a grant or tuition waiver 66532
in an amount equal to the amount the recipient's scholarship was 66533
reduced by the chancellor. 66534

(2) Reduce the amount of each scholarship under division 66535
(D)(1)(a) of this section proportionally based on the amount of 66536
remaining available funds. Each state institution of higher 66537
education shall provide each scholarship recipient under division 66538
(D)(1)(a) of this section a grant or tuition waiver in an amount 66539
equal to the amount the recipient's scholarship was reduced by the 66540
chancellor. 66541

(K) Notwithstanding division (A) of section 127.14 of the 66542
Revised Code, the controlling board shall not transfer all or part 66543
of any appropriation for the Ohio national guard scholarship 66544
program. 66545

(L) The chancellor and the adjutant general may apply for, 66546
and may receive and accept grants, and may receive and accept 66547
gifts, bequests, and contributions, from public and private 66548
sources, including agencies and instrumentalities of the United 66549
States and this state, and shall deposit the grants, gifts, 66550
bequests, or contributions into the national guard scholarship 66551

donation fund. 66552

Sec. 6109.121. (A) ~~Not later than one hundred twenty days~~ 66553
~~after the effective date of this section, the~~ The director of 66554
environmental protection shall adopt rules in accordance with 66555
Chapter 119. of the Revised Code that do all of the following: 66556

(1) Require the owner or operator of a community or 66557
nontransient noncommunity water system to conduct sampling of the 66558
system for lead and copper; 66559

(2) Establish a schedule for lead and copper sampling 66560
applicable to the owner or operator of a community or nontransient 66561
noncommunity water system that, at a minimum, does both of the 66562
following: 66563

(a) Allows the director, in establishing the schedule, to 66564
consider the following factors when determining if a community or 66565
nontransient noncommunity water system must conduct sampling at 66566
least once annually: 66567

(i) The age of the water system; 66568

(ii) Whether corrosion control requirements are met; 66569

(iii) Any other relevant risk factors, as determined by the 66570
director, including aging infrastructure likely to contain lead 66571
service lines. 66572

(b) Requires the owner or operator of a system where such 66573
risk factors are identified to conduct sampling at least once 66574
annually until the risk factors are mitigated in accordance with 66575
rules. 66576

(3) Require the owner or operator of a community or 66577
nontransient noncommunity water system to provide collected 66578
samples to a certified laboratory for analysis; 66579

(4) Authorize the director to require additional sampling for 66580

pH level and other water quality parameters to determine if 66581
corrosion control requirements are met; 66582

(5) Authorize the director to establish corrosion control 66583
requirements for community and nontransient noncommunity water 66584
systems; 66585

(6) Require the owner or operator of a community or 66586
nontransient noncommunity water system to conduct a new or updated 66587
corrosion control treatment study and submit a new or updated 66588
corrosion control treatment plan not later than eighteen months 66589
after any of the following events: 66590

(a) The system changes or adds a source from which water is 66591
obtained. 66592

(b) The system makes a substantial change in water treatment. 66593

(c) The system operates outside of acceptable ranges for 66594
lead, copper, pH, or other corrosion indicators, as determined by 66595
the director. 66596

(d) Any other event determined by the director to have the 66597
potential to impact the water quality or corrosiveness of water in 66598
the system. 66599

(7) Authorize the director to waive the requirement to 66600
conduct a new or updated corrosion control study established in 66601
rules adopted under division (A)(6) of this section in appropriate 66602
circumstances; 66603

(8) When the owner or operator of a community or nontransient 66604
noncommunity water system is required to complete a corrosion 66605
control treatment study and submit a plan in accordance with rules 66606
adopted under division (A)(6) of this section, require the owner 66607
or operator to complete the study and submit the plan to the 66608
director for approval even if sampling results conducted 66609
subsequent to the initiation of the study and plan do not exceed 66610

the lead action level established in rules adopted under this 66611
chapter; 66612

(9) When the owner or operator of a community or nontransient 66613
noncommunity water system is required to complete a corrosion 66614
control treatment study and submit a plan in accordance with rules 66615
adopted under division (A)(6) of this section, require the owner 66616
or operator to submit to the director an interim status report of 66617
actions taken to implement the corrosion control study six months 66618
and twelve months from the date of initiation of the corrosion 66619
control study requirement; 66620

(10) Establish a lead threshold for individual taps; 66621

(11) Establish and revise content for public education 66622
materials; 66623

(12) Authorize the director to develop procedures and 66624
requirements to document that notices were provided by the owner 66625
or operator of a community or nontransient noncommunity water 66626
system as required under the rules adopted under division 66627
~~(C)(A)(15)~~ of this section; 66628

(13) ~~Notwithstanding section 6109.23 of the Revised Code,~~ 66629
~~establish the following~~ Authorize the director to assess 66630
administrative penalties in accordance with section 6109.23 of the 66631
Revised Code for violations of the notice requirements established 66632
in rules adopted under divisions ~~(C)(1)(A)(15)(b)~~ and 66633
~~(C)(3)(a)(c)(i)~~ of this section ~~that are applicable to a community~~ 66634
~~or nontransient noncommunity water system;~~ 66635

~~(a) For a violation of division (C)(1) of this section by a~~ 66636
~~system that serves not less than twenty five people, but not more~~ 66637
~~than three thousand three hundred people, an administrative~~ 66638
~~penalty of twenty five dollars per day for each day that the~~ 66639
~~system failed to provide each notice;~~ 66640

~~(b) For a violation of division (C)(1) of this section by a~~ 66641

~~system that serves more than three thousand three hundred people, 66642
but not more than ten thousand people, an administrative penalty 66643
of fifty dollars per day for each day that the system failed to 66644
provide each notice; 66645~~

~~(c) For a violation of division (C)(1) of this section by a 66646
system that serves more than ten thousand people, but not more 66647
than twenty five thousand people, an administrative penalty of 66648
seventy five dollars per day for each day that the system failed 66649
to provide each notice; 66650~~

~~(d) For a violation of division (C)(1) of this section by a 66651
system that serves more than twenty five thousand people, an 66652
administrative penalty of one hundred dollars per day for each day 66653
that the system failed to provide each notice; 66654~~

~~(e) For a violation of division (C)(3)(a) of this section by 66655
a system that serves not less than twenty five people, but not 66656
more than three thousand three hundred people, an administrative 66657
penalty of two hundred fifty dollars per day for each day the 66658
system failed to provide the notice; 66659~~

~~(f) For a violation of division (C)(3)(a) of this section by 66660
a system that serves more than three thousand three hundred 66661
people, but not more than ten thousand people, an administrative 66662
penalty of five hundred dollars per day for each day the system 66663
failed to provide the notice; 66664~~

~~(g) For a violation of division (C)(3)(a) of this section by 66665
a system that serves more than ten thousand people, but not more 66666
than twenty five thousand people, an administrative penalty of 66667
seven hundred fifty dollars per day for each day the system failed 66668
to provide the notice; 66669~~

~~(h) For a violation of division (C)(3)(a) of this section by 66670
a system that serves more than twenty five thousand people, an 66671
administrative penalty of one thousand dollars per day for each 66672~~

~~day the system failed to provide the notice.~~ 66673

~~(B) A (14) Require a~~ laboratory that receives a lead or 66674
copper tap water sample from a community or nontransient 66675
noncommunity water system ~~shall to~~ do both of the following: 66676

~~(1)(a)~~ Complete a lead or copper analysis of the sample, as 66677
applicable, not later than thirty business days after the receipt 66678
of the sample; 66679

~~(2)(b)~~ Not later than the end of the next business day 66680
following the day the analysis of the sample is completed, report 66681
the results of the analysis and all identifying information about 66682
where the sample was collected to the community or nontransient 66683
noncommunity water system and the director. 66684

~~(C) The (15) Require the~~ owner or operator of a community or 66685
nontransient noncommunity water system ~~shall to~~ do all of the 66686
following, as applicable, with regard to laboratory results 66687
received under rules adopted under division ~~(B)(2)(A)(14)~~ of this 66688
section: 66689

~~(1) Not later than two business days after the receipt of the~~ 66690
~~laboratory results (a) If the laboratory results show that a~~ 66691
~~sample from an individual tap is below the applicable lead~~ 66692
~~threshold as established in rules adopted under this chapter,~~ 66693
provide notice of the results of each individual tap sample to the 66694
owner and persons served at the residence or other structure where 66695
the tap was sampled within a time period specified in rules that 66696
is not more than thirty business days after the receipt of the 66697
laboratory results; 66698

~~(2)(b)~~ If the results show that a sample from an individual 66699
tap is above the applicable lead threshold as established under 66700
rules adopted under this chapter, provide notice of the results of 66701
each individual tap sample to the owner and persons served at the 66702
residence or other structure where the tap was sampled within a 66703

time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable: 66704
66705
66706

~~(a)~~(i) For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels; 66707
66708
66709

~~(b)~~(ii) For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure; 66710
66711
66712
66713
66714
66715

~~(e)~~(iii) Not later than two business days after the receipt of the laboratory results, provide information on the availability of health screening and blood lead level testing to the owner and persons served at the residence or other structure where the sample was collected and provide notice of the laboratory results to the applicable local board of health. 66716
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66718
66719
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66721

~~(3)~~(c) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable: 66722
66723
66724
66725

~~(a)~~(i) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's water consumers that the system exceeds the lead action level. The owner or operator shall provide the notice in a form specified by the director. 66726
66727
66728
66729
66730

~~(b)~~(ii) Not later than five business days after the receipt of the laboratory results by the owner or operator of a community water system, provide information on the availability of tap water testing for lead to all consumers served by the system who are 66731
66732
66733
66734

known or likely to have lead service lines, lead pipes, or lead solder as identified in the map required to be completed by rules adopted under division ~~(F)(A)(18)~~ of this section;

~~(e)(iii)~~ Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the availability of health screenings and blood lead level testing in the area served by the water system;

~~(d)(iv)~~ Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were received by the owner or operator indicating that the system exceeded the lead action level.

~~(D) Not (16) Require that not~~ later than five business days after the receipt of the laboratory results, the owner or operator shall certify to the director that the owner or operator has complied with the requirements of rules adopted under divisions ~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable.

~~(E) If (17) Require that if~~ the owner or operator of a community or nontransient noncommunity water system fails to provide the notices required under rules adopted under division ~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director shall provide those notices beginning ten business days from the date that the director receives laboratory results under the rules adopted under division ~~(B)(A)(14)~~ of this section.

~~(F) Not later than six months after the effective date of~~

~~this section, the owner or operator of a community or nontransient
noncommunity water system shall do all of the following, as
applicable:~~ 66766
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66768

~~(1) For the owner or operator of a community water system,
identify and map areas of the system that are known or are likely
to contain lead service lines and identify characteristics of
buildings served by the system that may contain lead piping,
solder, or fixtures;~~ 66769
66770
66771
66772
66773

~~(2) For the owner or operator of a nontransient noncommunity
water system, identify and map areas of the system with lead
piping, solder, or fixtures in buildings served by the system;~~ 66774
66775
66776

~~(3) Submit a copy of the applicable map to the department of
health and the department of job and family services;~~ 66777
66778

~~(4) Submit a report to the director containing at least both
of the following:~~ 66779
66780

~~(a) The applicable map;~~ 66781

~~(b) A list of sampling locations that are tier I sites used
to collect samples as required by rules adopted under this
chapter, including contact information for the owner and occupant
of each sampling site.~~ 66782
66783
66784
66785

~~(G) The owner or operator of a community or nontransient
noncommunity water system shall update and resubmit the
information required under division (F) of this section once every
five years beginning five years after the date of the initial
submission.~~ 66786
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~~(H) The director shall provide financial assistance from the
drinking water assistance fund established under section 6109.22
of the Revised Code to community water systems and nontransient
noncommunity water systems for the purpose of fulfilling the
mapping requirements under division (F) of this section and~~ 66791
66792
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~~complying with corrosion control requirements established in rules~~ 66796
~~adopted under division (A) of this section. In addition, the (18)~~ 66797
Require the owner or operator of a community or nontransient 66798
noncommunity water system to submit a map to the director showing 66799
areas of the system that are known or are likely to contain lead 66800
service lines and identifying characteristics of buildings served 66801
by the system that may contain lead piping, solder, or fixtures. 66802
The rules shall, at a minimum, require the owner or operator to do 66803
all of the following: 66804

(a) Submit a copy of the applicable map to the department of 66805
health and the department of job and family services; 66806

(b) Submit a report to the director containing at least the 66807
applicable map and a list of sampling locations that are tier I 66808
sites used to collect samples as required by rules adopted under 66809
this chapter, including contact information for the owner and 66810
occupant of each sampling site; 66811

(c) Update and resubmit the information required by divisions 66812
(A)(18)(a) and (b) of this section according to a schedule 66813
determined by the director, but not less frequently than required 66814
under the Safe Drinking Water Act. 66815

(B) The director shall post information on the environmental 66816
protection agency's web site about ~~other~~ sources of funding that 66817
are available to assist communities with lead service line 66818
identification and replacement and schools with fountain and 66819
water-service fixture replacement. 66820

~~(I)~~(C) As required by the director, an owner or operator of a 66821
nontransient noncommunity water system that is a school or child 66822
day-care center shall collect additional tap water samples in 66823
buildings identified in the map required to be completed by rules 66824
adopted under division ~~(F)~~(A)(18) of this section. 66825

~~(J)~~(D) As used in this section: 66826

(1) "Child day-care center" has the same meaning as in 66827
section 5104.01 of the Revised Code. 66828

(2) "School" means a school operated by the board of 66829
education of a city, local, exempted village, or joint vocational 66830
school district, the governing board of an educational service 66831
center, the governing authority of a community school established 66832
under Chapter 3314. of the Revised Code, the governing body of a 66833
science, technology, engineering, and mathematics school 66834
established under Chapter 3326. of the Revised Code, the board of 66835
trustees of a college-preparatory boarding school established 66836
under Chapter 3328. of the Revised Code, or the governing 66837
authority of a chartered or nonchartered nonpublic school. 66838

(3) "Local board of health" means the applicable board of 66839
health of a city or general health district or the authority 66840
having the duties of a board of health under section 3709.05 of 66841
the Revised Code. 66842

Sec. 6111.027. (A) Mitigation for impacts to isolated 66843
wetlands under sections 6111.02 to 6111.027 shall be conducted in 66844
accordance with the following ratios: 66845

(1) For category 1 and category 2 isolated wetlands, other 66846
than forested category 2 isolated wetlands, mitigation located at 66847
an approved wetland mitigation bank shall be conducted, or 66848
mitigation shall be paid for under an in-lieu fee mitigation 66849
program, at a rate of two times the size of the area of isolated 66850
wetland that is being impacted. 66851

(2) For forested category 2 isolated wetlands, mitigation 66852
located at an approved wetland mitigation bank shall be conducted, 66853
or mitigation shall be paid for under an in-lieu fee mitigation 66854
program, at a rate of two and one-half times the size of the area 66855
of isolated wetland that is being impacted. 66856

(3) All other mitigation shall be subject to mitigation ratios established in ~~division (F)~~ of rule 3745-1-54 of the Administrative Code.

(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.

(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation.

Sec. 6111.13. (A) As used in this section:

(1) "Method detection limit" has the same meaning as in 40 C.F.R. part 136, appendix B, and shall be determined in accordance with the procedures set forth in that appendix.

(2) "Practical quantification level" means a concentration that is five times the method detection limit for the most sensitive available analytical procedure currently approved under 40 C.F.R. part 136 for a pollutant unless the director of environmental protection, by rules adopted in accordance with Chapter 119. of the Revised Code, establishes a different practical quantification level for the pollutant that is consistent with and no more stringent than the appropriate national consensus standard or other generally accepted standard.

(B) Notwithstanding any other provisions of this chapter to the contrary, and until the director has adopted rules specifying a different basis for determining compliance consistent with and no more stringent than an appropriate national consensus standard

or other generally accepted standard, if a discharge limit is set 66887
below the practical quantification level for a particular 66888
parameter, any value reported ~~at or~~ below the practical 66889
quantification level shall be considered to be in compliance with 66890
that limit. 66891

(C) Whenever a discharge limit for a pollutant is less than 66892
the practical quantification level, the director may require the 66893
permit holder to identify the possible sources of that pollutant. 66894
The director, by rule, may specify additional actions that the 66895
permit holder may be required to take when the director finds the 66896
actions to be necessary to prevent or mitigate significant adverse 66897
effects on public health or environmental quality. Failure of a 66898
permit holder to comply with additional actions required by the 66899
director under this division constitutes a violation of the permit 66900
holder's discharge permit. 66901

Section 101.02. That existing sections 3.061, 9.318, 9.821, 66902
9.822, 9.83, 101.15, 102.02, 107.03, 109.08, 109.57, 109.572, 66903
109.79, 111.16, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 66904
117.13, 117.22, 119.12, 121.02, 121.03, 121.07, 121.08, 121.084, 66905
121.22, 122.01, 122.011, 122.041, 122.17, 122.178, 122.42, 122.60, 66906
122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 66907
122.77, 122.78, 122.79, 122.82, 122.87, 122.89, 122.90, 122.92, 66908
123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 66909
125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.112, 66910
125.14, 125.18, 125.65, 125.832, 125.95, 126.37, 127.13, 128.55, 66911
131.02, 131.025, 131.43, 133.06, 133.13, 135.02, 149.311, 149.434, 66912
155.011, 163.62, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 66913
173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 66914
183.021, 183.18, 183.33, 184.01, 184.173, 307.921, 307.93, 66915
319.302, 319.54, 321.27, 323.153, 323.155, 329.12, 340.02, 66916
340.021, 340.03, 340.13, 341.12, 351.021, 727.01, 901.171, 901.91, 66917
940.05, 955.15, 1121.30, 1181.06, 1321.21, 1322.09, 1322.10, 66918

1322.20, 1322.21, 1337.11, 1503.03, 1503.05, 1503.141, 1503.33, 66919
1505.09, 1509.12, 1509.13, 1509.28, 1509.70, 1509.71, 1509.72, 66920
1509.73, 1509.74, 1509.75, 1509.77, 1513.08, 1521.06, 1521.061, 66921
1521.40, 1521.99, 1531.01, 1531.33, 1531.35, 1533.01, 1533.101, 66922
1533.11, 1533.12, 1533.321, 1546.06, 1547.59, 1551.01, 1551.33, 66923
1551.35, 1561.12, 1561.23, 1703.27, 1707.37, 1710.01, 1733.321, 66924
1907.15, 2133.01, 2151.011, 2151.152, 2151.412, 2151.416, 66925
2151.451, 2151.452, 2151.453, 2317.54, 2329.312, 2743.01, 2743.02, 66926
2743.15, 2743.16, 2743.19, 2921.36, 2927.02, 2929.15, 2929.19, 66927
2929.34, 2953.25, 2967.04, 2967.17, 2967.28, 2981.13, 3107.11, 66928
3107.15, 3119.01, 3301.079, 3301.0712, 3301.0714, 3301.0715, 66929
3302.20, 3310.08, 3310.41, 3310.51, 3310.54, 3310.56, 3311.741, 66930
3313.48, 3313.488, 3313.5315, 3313.60, 3313.603, 3313.608, 66931
3313.6013, 3313.61, 3313.618, 3313.619, 3313.6113, 3313.6114, 66932
3313.64, 3313.713, 3313.902, 3313.979, 3313.98, 3313.981, 66933
3314.013, 3314.016, 3314.017, 3314.03, 3314.06, 3314.08, 3314.084, 66934
3314.087, 3314.091, 3314.101, 3314.11, 3314.20, 3315.18, 3317.013, 66935
3317.014, 3317.016, 3317.02, 3317.021, 3317.022, 3317.023, 66936
3317.024, 3317.028, 3317.0212, 3317.0213, 3317.0214, 3317.03, 66937
3317.051, 3317.16, 3317.20, 3317.25, 3318.038, 3319.151, 3319.221, 66938
3319.227, 3319.229, 3319.236, 3319.31, 3319.311, 3319.313, 66939
3319.316, 3319.39, 3319.40, 3319.57, 3319.61, 3319.99, 3324.05, 66940
3324.09, 3326.02, 3326.03, 3326.032, 3326.04, 3326.07, 3326.08, 66941
3326.081, 3326.11, 3326.14, 3326.23, 3326.31, 3326.32, 3326.33, 66942
3326.39, 3326.40, 3326.51, 3327.01, 3327.02, 3328.18, 3328.24, 66943
3328.32, 3328.34, 3333.049, 3333.31, 3333.38, 3333.61, 3333.613, 66944
3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.68, 3333.69, 66945
3333.79, 3333.80, 3333.801, 3333.802, 3345.32, 3365.01, 3365.02, 66946
3365.03, 3365.032, 3365.04, 3365.07, 3501.302, 3701.132, 3701.362, 66947
3701.501, 3701.61, 3701.613, 3701.831, 3701.881, 3701.916, 66948
3703.01, 3703.03, 3709.052, 3709.06, 3709.07, 3713.02, 3717.22, 66949
3717.221, 3721.02, 3734.57, 3734.85, 3734.901, 3737.17, 3737.71, 66950

3741.14, 3745.014, 3745.11, 3746.01, 3746.04, 3746.071, 3746.09, 66951
3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 66952
3746.20, 3746.21, 3746.31, 3746.35, 3770.073, 3772.01, 3791.07, 66953
3794.01, 3929.87, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 66954
4141.131, 4141.21, 4141.22, 4141.51, 4141.53, 4141.55, 4301.03, 66955
4301.10, 4301.12, 4301.30, 4301.42, 4301.43, 4301.62, 4303.03, 66956
4303.031, 4303.071, 4303.17, 4303.2010, 4303.232, 4303.233, 66957
4303.234, 4303.26, 4303.271, 4303.33, 4303.99, 4501.21, 4503.066, 66958
4505.09, 4511.191, 4715.36, 4719.01, 4723.431, 4729.43, 4735.05, 66959
4735.14, 4735.15, 4735.211, 4755.01, 4755.02, 4755.04, 4755.05, 66960
4755.06, 4755.08, 4755.11, 4755.12, 4755.42, 4755.421, 4755.47, 66961
4755.48, 4755.64, 4757.10, 4763.15, 4779.28, 4779.33, 4781.04, 66962
4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02, 4927.01, 66963
5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.341, 5101.63, 66964
5101.802, 5101.971, 5103.02, 5103.031, 5103.0310, 5103.0316, 66965
5104.01, 5104.017, 5104.07, 5104.29, 5104.34, 5107.10, 5119.27, 66966
5119.33, 5119.34, 5119.36, 5119.37, 5119.43, 5119.99, 5120.035, 66967
5120.62, 5123.19, 5123.35, 5123.89, 5124.01, 5124.101, 5124.15, 66968
5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23, 66969
5124.29, 5124.30, 5124.38, 5124.39, 5124.40, 5124.41, 5124.46, 66970
5126.044, 5126.05, 5126.054, 5126.055, 5126.056, 5126.071, 66971
5126.131, 5145.31, 5149.31, 5149.311, 5149.38, 5153.122, 5153.124, 66972
5153.163, 5153.176, 5164.34, 5164.342, 5165.01, 5165.15, 5165.151, 66973
5165.16, 5165.17, 5165.191, 5165.26, 5165.36, 5165.771, 5166.01, 66974
5167.16, 5168.60, 5168.61, 5301.13, 5301.14, 5301.15, 5301.18, 66975
5301.21, 5501.332, 5502.14, 5502.30, 5701.11, 5703.21, 5703.70, 66976
5705.16, 5705.19, 5709.121, 5709.92, 5709.93, 5726.20, 5727.75, 66977
5727.80, 5727.81, 5731.21, 5731.24, 5731.28, 5731.41, 5739.02, 66978
5739.021, 5741.01, 5741.03, 5747.01, 5747.02, 5747.05, 5747.08, 66979
5747.10, 5751.02, 5751.03, 5751.40, 5919.34, 6109.121, 6111.027, 66980
and 6111.13 of the Revised Code are hereby repealed. 66981

Section 105.01. That sections 109.802, 117.49, 117.50, 66982
131.50, 183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 66983
341.121, 1503.012, 1509.76, 1509.78, 1533.38, 1546.24, 3301.0724, 66984
3301.122, 3301.46, 3301.922, 3310.55, 3313.5316, 3313.901, 66985
3314.033, 3314.085, 3314.088, 3314.30, 3314.31, 3314.37, 3314.53, 66986
3317.017, 3317.029, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 66987
3317.0219, 3317.163, 3317.26, 3317.27, 3326.05, 3326.111, 3326.41, 66988
3326.42, 3328.33, 3333.611, 3333.612, 3333.614, 3333.67, 3735.01, 66989
3746.07, 4503.515, 5123.046, 5124.171, 5124.195, 5124.196, 66990
5124.197, 5124.198, 5124.199, 5124.211, 5124.231, 5124.28, 66991
5126.12, 5126.121, 5165.25, 5167.172, 5701.15, and 5741.032 of the 66992
Revised Code are hereby repealed. 66993
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Section 110.10. That the version of section 3319.227 of the 66995
Revised Code that is scheduled to take effect April 12, 2023, be 66996
amended to read as follows: 66997

Sec. 3319.227. (A) Notwithstanding any other provision of the 66998
Revised Code or any rule adopted by the state board of education 66999
to the contrary, the state board shall issue a resident educator 67000
license under section 3319.22 of the Revised Code to each person 67001
who is assigned to teach in this state as a participant in the 67002
teach for America program and who satisfies the following 67003
conditions for the duration of the program: 67004

(1) Holds a bachelor's degree from an accredited institution 67005
of higher education; 67006

(2) Maintained a cumulative undergraduate grade point average 67007
of at least 2.5 out of 4.0, or its equivalent; 67008

(3) Has passed an examination prescribed by the state board 67009
in the subject area to be taught; 67010

(4) Has successfully completed the summer training institute operated by teach for America; 67011
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(5) Remains an active member of the teach for America two-year support program. 67013
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(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section. 67015
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(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A)(1) to (4) of this section. The state board shall credit an applicant under this division as having completed the teacher residency program under section 3319.223 of the Revised Code. 67021
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(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an equivalent amount of coursework. Nothing in this division shall require any teach for America participant to complete a master's degree as a condition of holding a license issued under this section. 67031
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(E) The superintendent of public instruction, on behalf of 67041

the state board, shall ~~revoke~~ inactivate a resident educator 67042
license issued to a participant in the teach for America program 67043
who is assigned to teach in this state if the participant resigns 67044
or is dismissed from the program prior to completion of the 67045
two-year teach for America support program. The inactivation of a 67046
license under this division does not constitute a suspension or 67047
revocation of the license by the state board under section 3319.31 67048
of the Revised Code and the state board and the state 67049
superintendent need not provide the person with an opportunity for 67050
a hearing with respect to the inactivation. 67051

Section 110.11. That the existing version of section 3319.227 67052
of the Revised Code that is scheduled to take effect April 12, 67053
2023, is hereby repealed. 67054

Section 110.12. Sections 110.10 and 110.11 of this act take 67055
effect on April 12, 2023. 67056

Section 110.22. Sections 109.572, 111.15, 111.16, 121.22, 67057
140.01, 1322.10, 1322.21, 1561.12, 1561.23, 3319.31, 3319.39, 67058
3770.073, 3772.01, 4755.06, 4755.08, 4755.11, 4755.47, 4755.64, 67059
4757.10, and 4779.28 of the Revised Code as presented in this act 67060
take effect on the later of October 9, 2021, or the effective date 67061
of this section. (October 9, 2021, is the effective date of 67062
earlier amendments to those section by H.B. 263 of the 133rd 67063
General Assembly.) 67064

Section 130.10. That sections 111.15, 140.01, 3701.07, 67065
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 67066
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 67067
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 67068
3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 67069
3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be 67070

amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 67071
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 67072
3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to 67073
read as follows: 67074

Sec. 111.15. (A) As used in this section: 67075

(1) "Rule" includes any rule, regulation, bylaw, or standard 67076
having a general and uniform operation adopted by an agency under 67077
the authority of the laws governing the agency; any appendix to a 67078
rule; and any internal management rule. "Rule" does not include 67079
any guideline adopted pursuant to section 3301.0714 of the Revised 67080
Code, any order respecting the duties of employees, any finding, 67081
any determination of a question of law or fact in a matter 67082
presented to an agency, or any rule promulgated pursuant to 67083
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 67084
Revised Code. "Rule" includes any amendment or rescission of a 67085
rule. 67086

(2) "Agency" means any governmental entity of the state and 67087
includes, but is not limited to, any board, department, division, 67088
commission, bureau, society, council, institution, state college 67089
or university, community college district, technical college 67090
district, or state community college. "Agency" does not include 67091
the general assembly, the controlling board, the adjutant 67092
general's department, or any court. 67093

(3) "Internal management rule" means any rule, regulation, 67094
bylaw, or standard governing the day-to-day staff procedures and 67095
operations within an agency. 67096

(B)(1) Any rule, other than a rule of an emergency nature, 67097
adopted by any agency pursuant to this section shall be effective 67098
on the tenth day after the day on which the rule in final form and 67099
in compliance with division (B)(3) of this section is filed as 67100

follows: 67101

(a) The rule shall be filed in electronic form with both the 67102
secretary of state and the director of the legislative service 67103
commission; 67104

(b) The rule shall be filed in electronic form with the joint 67105
committee on agency rule review. Division (B)(1)(b) of this 67106
section does not apply to any rule to which division (D) of this 67107
section does not apply. 67108

An agency that adopts or amends a rule that is subject to 67109
division (D) of this section shall assign a review date to the 67110
rule that is not later than five years after its effective date. 67111
If a review date assigned to a rule exceeds the five-year maximum, 67112
the review date for the rule is five years after its effective 67113
date. A rule with a review date is subject to review under section 67114
106.03 of the Revised Code. This paragraph does not apply to a 67115
rule of a state college or university, community college district, 67116
technical college district, or state community college. 67117

If an agency in adopting a rule designates an effective date 67118
that is later than the effective date provided for by division 67119
(B)(1) of this section, the rule if filed as required by such 67120
division shall become effective on the later date designated by 67121
the agency. 67122

Any rule that is required to be filed under division (B)(1) 67123
of this section is also subject to division (D) of this section if 67124
not exempted by that division. 67125

If a rule incorporates a text or other material by reference, 67126
the agency shall comply with sections 121.71 to 121.75 of the 67127
Revised Code. 67128

(2) A rule of an emergency nature necessary for the immediate 67129
preservation of the public peace, health, or safety shall state 67130
the reasons for the necessity. The emergency rule, in final form 67131

and in compliance with division (B)(3) of this section, shall be 67132
filed in electronic form with the secretary of state, the director 67133
of the legislative service commission, and the joint committee on 67134
agency rule review. The emergency rule is effective immediately 67135
upon completion of the latest filing, except that if the agency in 67136
adopting the emergency rule designates an effective date, or date 67137
and time of day, that is later than the effective date and time 67138
provided for by division (B)(2) of this section, the emergency 67139
rule if filed as required by such division shall become effective 67140
at the later date, or later date and time of day, designated by 67141
the agency. 67142

An emergency rule becomes invalid at the end of the one 67143
hundred twentieth day it is in effect. Prior to that date, the 67144
agency may file the emergency rule as a nonemergency rule in 67145
compliance with division (B)(1) of this section. The agency may 67146
not refile the emergency rule in compliance with division (B)(2) 67147
of this section so that, upon the emergency rule becoming invalid 67148
under such division, the emergency rule will continue in effect 67149
without interruption for another one hundred twenty-day period. 67150

(3) An agency shall file a rule under division (B)(1) or (2) 67151
of this section in compliance with the following standards and 67152
procedures: 67153

(a) The rule shall be numbered in accordance with the 67154
numbering system devised by the director for the Ohio 67155
administrative code. 67156

(b) The rule shall be prepared and submitted in compliance 67157
with the rules of the legislative service commission. 67158

(c) The rule shall clearly state the date on which it is to 67159
be effective and the date on which it will expire, if known. 67160

(d) Each rule that amends or rescinds another rule shall 67161
clearly refer to the rule that is amended or rescinded. Each 67162

amendment shall fully restate the rule as amended. 67163

If the director of the legislative service commission or the 67164
director's designee gives an agency notice pursuant to section 67165
103.05 of the Revised Code that a rule filed by the agency is not 67166
in compliance with the rules of the legislative service 67167
commission, the agency shall within thirty days after receipt of 67168
the notice conform the rule to the rules of the commission as 67169
directed in the notice. 67170

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 67171
of this section shall be recorded by the secretary of state and 67172
the director under the title of the agency adopting the rule and 67173
shall be numbered according to the numbering system devised by the 67174
director. The secretary of state and the director shall preserve 67175
the rules in an accessible manner. Each such rule shall be a 67176
public record open to public inspection and may be transmitted to 67177
any law publishing company that wishes to reproduce it. 67178

(D) At least sixty-five days before a board, commission, 67179
department, division, or bureau of the government of the state 67180
files a rule under division (B)(1) of this section, it shall file 67181
the full text of the proposed rule in electronic form with the 67182
joint committee on agency rule review, and the proposed rule is 67183
subject to legislative review and invalidation under section 67184
106.021 of the Revised Code. If a state board, commission, 67185
department, division, or bureau makes a revision in a proposed 67186
rule after it is filed with the joint committee, the state board, 67187
commission, department, division, or bureau shall promptly file 67188
the full text of the proposed rule in its revised form in 67189
electronic form with the joint committee. A state board, 67190
commission, department, division, or bureau shall also file the 67191
rule summary and fiscal analysis prepared under section 106.024 of 67192
the Revised Code in electronic form along with a proposed rule, 67193
and along with a proposed rule in revised form, that is filed 67194

under this division. If a proposed rule has an adverse impact on 67195
businesses, the state board, commission, department, division, or 67196
bureau also shall file the business impact analysis, any 67197
recommendations received from the common sense initiative office, 67198
and the associated memorandum of response, if any, in electronic 67199
form along with the proposed rule, or the proposed rule in revised 67200
form, that is filed under this division. 67201

A proposed rule that is subject to legislative review under 67202
this division may not be adopted and filed in final form under 67203
division (B)(1) of this section unless the proposed rule has been 67204
filed with the joint committee on agency rule review under this 67205
division and the time for the joint committee to review the 67206
proposed rule has expired without recommendation of a concurrent 67207
resolution to invalidate the proposed rule. 67208

As used in this division, "commission" includes the public 67209
utilities commission when adopting rules under a federal or state 67210
statute. 67211

This division does not apply to any of the following: 67212

(1) A proposed rule of an emergency nature; 67213

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 67214
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 67215
4123.411, 4123.44, or 4123.442 of the Revised Code; 67216

(3) A rule proposed by an agency other than a board, 67217
commission, department, division, or bureau of the government of 67218
the state; 67219

(4) A proposed internal management rule of a board, 67220
commission, department, division, or bureau of the government of 67221
the state; 67222

(5) Any proposed rule that must be adopted verbatim by an 67223
agency pursuant to federal law or rule, to become effective within 67224

sixty days of adoption, in order to continue the operation of a 67225
federally reimbursed program in this state, so long as the 67226
proposed rule contains both of the following: 67227

(a) A statement that it is proposed for the purpose of 67228
complying with a federal law or rule; 67229

(b) A citation to the federal law or rule that requires 67230
verbatim compliance. 67231

(6) ~~An initial rule proposed by the director of health to 67232
impose safety standards and quality of care standards with respect 67233
to a health service specified in section 3702.11 of the Revised 67234
Code, or an initial rule proposed by the director of health to 67235
impose quality standards on a health care facility as defined in 67236
section 3702.30 of the Revised Code, if section 3702.12 of the 67237
Revised Code requires that the rule be adopted under this section;~~ 67238

(7) A rule of the state lottery commission pertaining to 67239
instant game rules. 67240

If a rule is exempt from legislative review under division 67241
(D)(5) of this section, and if the federal law or rule pursuant to 67242
which the rule was adopted expires, is repealed or rescinded, or 67243
otherwise terminates, the rule is thereafter subject to 67244
legislative review under division (D) of this section. 67245

Whenever a state board, commission, department, division, or 67246
bureau files a proposed rule or a proposed rule in revised form 67247
under division (D) of this section, it shall also file the full 67248
text of the same proposed rule or proposed rule in revised form in 67249
electronic form with the secretary of state and the director of 67250
the legislative service commission. A state board, commission, 67251
department, division, or bureau shall file the rule summary and 67252
fiscal analysis prepared under section 106.024 of the Revised Code 67253
in electronic form along with a proposed rule or proposed rule in 67254
revised form that is filed with the secretary of state or the 67255

director of the legislative service commission. 67256

Sec. 140.01. As used in this chapter: 67257

(A) "Hospital agency" means any public hospital agency or any 67258
nonprofit hospital agency. 67259

(B) "Public hospital agency" means any county, board of 67260
county hospital trustees established pursuant to section 339.02 of 67261
the Revised Code, county hospital commission established pursuant 67262
to section 339.14 of the Revised Code, municipal corporation, new 67263
community authority organized under Chapter 349. of the Revised 67264
Code, joint township hospital district, state or municipal 67265
university or college operating or authorized to operate a 67266
hospital facility, or the state. 67267

(C) "Nonprofit hospital agency" means a corporation or 67268
association not for profit, no part of the net earnings of which 67269
inures or may lawfully inure to the benefit of any private 67270
shareholder or individual, that has authority to own or operate a 67271
hospital facility or provides or is to provide services to one or 67272
more other hospital agencies. 67273

(D) "Governing body" means, in the case of a county, the 67274
board of county commissioners or other legislative body; in the 67275
case of a board of county hospital trustees, the board; in the 67276
case of a county hospital commission, the commission; in the case 67277
of a municipal corporation, the council or other legislative 67278
authority; in the case of a new community authority, its board of 67279
trustees; in the case of a joint township hospital district, the 67280
joint township district hospital board; in the case of a state or 67281
municipal university or college, its board of trustees or board of 67282
directors; in the case of a nonprofit hospital agency, the board 67283
of trustees or other body having general management of the agency; 67284
and, in the case of the state, the director of development 67285
~~services~~ or the Ohio higher educational facility commission. 67286

(E) "Hospital facilities" means buildings, structures and 67287
other improvements, additions thereto and extensions thereof, 67288
furnishings, equipment, and real estate and interests in real 67289
estate, used or to be used for or in connection with one or more 67290
hospitals, emergency, intensive, intermediate, extended, 67291
long-term, or self-care facilities, diagnostic and treatment and 67292
out-patient facilities, facilities related to programs for home 67293
health services, clinics, laboratories, public health centers, 67294
research facilities, and rehabilitation facilities, for or 67295
pertaining to diagnosis, treatment, care, or rehabilitation of 67296
sick, ill, injured, infirm, impaired, disabled, or handicapped 67297
persons, or the prevention, detection, and control of disease, and 67298
also includes education, training, and food service facilities for 67299
health professions personnel, housing facilities for such 67300
personnel and their families, and parking and service facilities 67301
in connection with any of the foregoing; and includes any one, 67302
part of, or any combination of the foregoing; and further includes 67303
site improvements, utilities, machinery, facilities, furnishings, 67304
and any separate or connected buildings, structures, improvements, 67305
sites, utilities, facilities, or equipment to be used in, or in 67306
connection with the operation or maintenance of, or supplementing 67307
or otherwise related to the services or facilities to be provided 67308
by, any one or more of such hospital facilities. 67309

(F) "Costs of hospital facilities" means the costs of 67310
acquiring hospital facilities or interests in hospital facilities, 67311
including membership interests in nonprofit hospital agencies, 67312
costs of constructing hospital facilities, costs of improving one 67313
or more hospital facilities, including reconstructing, 67314
rehabilitating, remodeling, renovating, and enlarging, costs of 67315
equipping and furnishing such facilities, and all financing costs 67316
pertaining thereto, including, without limitation thereto, costs 67317
of engineering, architectural, and other professional services, 67318
designs, plans, specifications and surveys, and estimates of cost, 67319

costs of tests and inspections, the costs of any indemnity or 67320
surety bonds and premiums on insurance, all related direct or 67321
allocable administrative expenses pertaining thereto, fees and 67322
expenses of trustees, depositories, and paying agents for the 67323
obligations, cost of issuance of the obligations and financing 67324
charges and fees and expenses of financial advisors, attorneys, 67325
accountants, consultants and rating services in connection 67326
therewith, capitalized interest on the obligations, amounts 67327
necessary to establish reserves as required by the bond 67328
proceedings, the reimbursement of all moneys advanced or applied 67329
by the hospital agency or others or borrowed from others for the 67330
payment of any item or items of costs of such facilities, and all 67331
other expenses necessary or incident to planning or determining 67332
feasibility or practicability with respect to such facilities, and 67333
such other expenses as may be necessary or incident to the 67334
acquisition, construction, reconstruction, rehabilitation, 67335
remodeling, renovation, enlargement, improvement, equipment, and 67336
furnishing of such facilities, the financing thereof, and the 67337
placing of the same in use and operation, including any one, part 67338
of, or combination of such classes of costs and expenses, and 67339
means the costs of refinancing obligations issued by, or 67340
reimbursement of money advanced by, nonprofit hospital agencies or 67341
others the proceeds of which were used for the payment of costs of 67342
hospital facilities, if the governing body of the public hospital 67343
agency determines that the refinancing or reimbursement advances 67344
the purposes of this chapter, whether or not the refinancing or 67345
reimbursement is in conjunction with the acquisition or 67346
construction of additional hospital facilities. 67347

(G) "Hospital receipts" means all moneys received by or on 67348
behalf of a hospital agency from or in connection with the 67349
ownership, operation, acquisition, construction, improvement, 67350
equipping, or financing of any hospital facilities, including, 67351
without limitation thereto, any rentals and other moneys received 67352

from the lease, sale, or other disposition of hospital facilities, 67353
and any gifts, grants, interest subsidies, or other moneys 67354
received under any federal program for assistance in financing the 67355
costs of hospital facilities, and any other gifts, grants, and 67356
donations, and receipts therefrom, available for financing the 67357
costs of hospital facilities. 67358

(H) "Obligations" means bonds, notes, or other evidences of 67359
indebtedness or obligation, including interest coupons pertaining 67360
thereto, issued or issuable by a public hospital agency to pay 67361
costs of hospital facilities. 67362

(I) "Bond service charges" means principal, interest, and 67363
call premium, if any, required to be paid on obligations. 67364

(J) "Bond proceedings" means one or more ordinances, 67365
resolutions, trust agreements, indentures, and other agreements or 67366
documents, and amendments and supplements to the foregoing, or any 67367
combination thereof, authorizing or providing for the terms, 67368
including any variable interest rates, and conditions applicable 67369
to, or providing for the security of, obligations and the 67370
provisions contained in such obligations. 67371

(K) "Nursing home" has the same meaning as in division (A)(1) 67372
of section 5701.13 of the Revised Code. 67373

(L) "Residential care facility" has the same meaning as in 67374
division (A)(2) of section 5701.13 of the Revised Code. 67375

(M) "Independent living facility" means any self-care 67376
facility or other housing facility designed or used as a residence 67377
for elderly persons. An "independent living facility" does not 67378
include a residential facility, or that part of a residential 67379
facility, that is any of the following: 67380

(1) A hospital ~~required to be certified by section 3727.02 of~~ 67381
~~the Revised Code;~~ 67382

(2) A nursing home or residential care facility;	67383
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	67384 67385 67386
(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	67387 67388 67389 67390
(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;	67391 67392 67393 67394
(6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code;	67395 67396
(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;	67397 67398
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	67399 67400 67401 67402
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	67403 67404 67405
Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the	67406 67407 67408 67409 67410 67411 67412

~~financial condition, income, expenses, or net worth of the~~ 67413
~~facilities. The rules may require the reporting of information in~~ 67414
~~the following categories:~~ 67415

~~(1) Information needed to identify and classify the~~ 67416
~~institution;~~ 67417

~~(2) Information on facilities and type and volume of services~~ 67418
~~provided by the institution;~~ 67419

~~(3) The number of beds listed by category of care provided;~~ 67420

~~(4) The number of licensed or certified professional~~ 67421
~~employees by classification;~~ 67422

~~(5) The number of births that occurred at the institution the~~ 67423
~~previous calendar year;~~ 67424

~~(6) Any other information that the director considers~~ 67425
~~relevant to the safety of patients served by the institution.~~ 67426

~~Every hospital and dispensary, public or private, annually~~ 67427
~~shall register with and report to the department of health.~~ 67428
~~Reports shall be submitted in the manner prescribed in rules~~ 67429
~~adopted under this division.~~ 67430

~~(B) Every governmental entity or private nonprofit~~ 67431
~~corporation or association whose employees or representatives are~~ 67432
~~defined as residents' rights advocates under divisions (E)(1) and~~ 67433
~~(2) of section 3721.10 of the Revised Code shall register with the~~ 67434
~~department of health on forms furnished by the director of health~~ 67435
~~and shall provide such reasonable identifying information as the~~ 67436
~~director may prescribe.~~ 67437

The department shall compile a list of the governmental 67438
entities, corporations, or associations registering under this 67439
division and shall update the list annually. Copies of the list 67440
shall be made available to nursing home administrators as defined 67441
in division (C) of section 3721.10 of the Revised Code. 67442

Sec. 3701.351. (A) The governing body of every hospital shall 67443
set standards and procedures to be applied by the hospital and its 67444
medical staff in considering and acting upon applications for 67445
staff membership or professional privileges. These standards and 67446
procedures shall be available for public inspection. 67447

(B) The governing body of any hospital, in considering and 67448
acting upon applications for staff membership or professional 67449
privileges within the scope of the applicants' respective 67450
licensure, shall not discriminate against a qualified person 67451
solely on the basis of whether that person is licensed to practice 67452
medicine, osteopathic medicine, or podiatry, is licensed to 67453
practice dentistry or psychology, or is licensed to practice 67454
nursing as an advanced practice registered nurse. Staff membership 67455
or professional privileges shall be considered and acted on in 67456
accordance with standards and procedures established under 67457
division (A) of this section. ~~This section does not permit a~~ 67458
~~psychologist to admit a patient to a hospital in violation of~~ 67459
~~section 3727.06 of the Revised Code.~~ 67460

(C) The governing body of any hospital that ~~is licensed to~~ 67461
~~provide~~ provides maternity services, in considering and acting 67462
upon applications for clinical privileges, shall not discriminate 67463
against a qualified person solely on the basis that the person is 67464
authorized to practice nurse-midwifery. An application from a 67465
certified nurse-midwife who is not employed by the hospital shall 67466
contain the name of a physician member of the hospital's medical 67467
staff who holds clinical privileges in obstetrics at that hospital 67468
and who has agreed to be the collaborating physician for the 67469
applicant in accordance with section 4723.43 of the Revised Code. 67470

(D) Any person may apply to the court of common pleas for 67471
temporary or permanent injunctions restraining a violation of 67472
division (A), (B), or (C) of this section. This action is an 67473

additional remedy not dependent on the adequacy of the remedy at 67474
law. 67475

(E)(1) If a hospital does not provide or permit the provision 67476
of any diagnostic or treatment service for mental or emotional 67477
disorders or any other service that may be legally performed by a 67478
psychologist licensed under Chapter 4732. of the Revised Code, 67479
this section does not require the hospital to provide or permit 67480
the provision of any such service and the hospital shall be exempt 67481
from requirements of this section pertaining to psychologists. 67482

(2) This section does not impair the right of a hospital to 67483
enter into an employment, personal service, or any other kind of 67484
contract with a licensed psychologist, upon any such terms as the 67485
parties may mutually agree, for the provision of any service that 67486
may be legally performed by a licensed psychologist. 67487

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 67488
the Revised Code: 67489

(A) "Parent" means either parent, unless the parents are 67490
separated or divorced or their marriage has been dissolved or 67491
annulled, in which case "parent" means the parent who is the 67492
residential parent and legal custodian. 67493

(B) "Guardian" has the same meaning as in section 2111.01 of 67494
the Revised Code. 67495

(C) "Custodian" means, except as used in division (A) of this 67496
section, a government agency or an individual, other than the 67497
parent or guardian, with legal or permanent custody of a child as 67498
defined in section 2151.011 of the Revised Code. 67499

(D) "Hearing screening" means the identification of newborns 67500
and infants who may have a hearing impairment, through the use of 67501
a physiologic test. 67502

(E) "Hearing evaluation" means evaluation through the use of 67503

audiological procedures by an audiologist or physician. 67504

(F) "Hearing impairment" means a loss of hearing in one or 67505
both ears in the frequency region important for speech recognition 67506
and comprehension. 67507

(G) "Newborn" means a child who is less than thirty days old. 67508

(H) "Infant" means a child who is at least thirty days but 67509
less than twenty-four months old. 67510

(I) "Freestanding birthing center" ~~has the same meaning as in~~ 67511
~~section 3702.141 of the Revised Code~~ means any facility in which 67512
deliveries routinely occur, regardless of whether the facility is 67513
located on the campus of another health care facility. 67514

(J) "Physician" means an individual authorized under Chapter 67515
4731. of the Revised Code to practice medicine and surgery or 67516
osteopathic medicine and surgery. 67517

(K) "Audiologist" means an individual authorized under 67518
section 4753.07 of the Revised Code to practice audiology. 67519

(L) "Hospital" means a hospital that has a maternity unit or 67520
newborn nursery. 67521

(M) "Maternity unit" means any unit or place in a hospital 67522
where women are regularly received and provided care during all or 67523
part of the maternity cycle, except that "maternity unit" does not 67524
include an emergency department or similar place dedicated to 67525
providing emergency health care. 67526

(N) "Board of health" means the board of health of a city or 67527
general health district or the authority having the duties of a 67528
board of health under section 3709.05 of the Revised Code. 67529

Sec. 3701.5010. (A) As used in this section: 67530

(1) "Critical congenital heart defects screening" means the 67531
identification of a newborn that may have a critical congenital 67532

heart defect, through the use of a physiologic test. 67533

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 67534
~~section 3702.141 of the Revised Code~~ has the same meaning as in 67535
section 3701.503 of the Revised Code. 67536

(3) "Hospital," "maternity unit," "newborn," and "physician" 67537
have the same meanings as in section 3701.503 of the Revised Code. 67538

(4) "Pulse oximetry" means a noninvasive test that estimates 67539
the percentage of hemoglobin in blood that is saturated with 67540
oxygen. 67541

(B) Except as provided in division (C) of this section, each 67542
hospital and each freestanding birthing center shall conduct a 67543
critical congenital heart defects screening on each newborn born 67544
in the hospital or center, unless the newborn is being transferred 67545
to another hospital. The screening shall be performed before 67546
discharge. If the newborn is transferred to another hospital, that 67547
hospital shall conduct the screening when determined to be 67548
medically appropriate. The hospital or center shall promptly 67549
notify the newborn's parent, guardian, or custodian and attending 67550
physician of the screening results. 67551

(C) A hospital or freestanding birthing center shall not 67552
conduct a critical congenital heart defects screening if the 67553
newborn's parent objects on the grounds that the screening 67554
conflicts with the parent's religious tenets and practices. 67555

(D)(1) The director of health shall adopt rules in accordance 67556
with Chapter 119. of the Revised Code establishing standards and 67557
procedures for the screening required by this section, including 67558
all of the following: 67559

(a) Designating the person or persons responsible for causing 67560
the screening to be performed; 67561

(b) Specifying screening equipment and methods; 67562

(c) Identifying when the screening should be performed;	67563
(d) Providing notice of the required screening to the newborn's parent, guardian, or custodian;	67564 67565
(e) Communicating screening results to the newborn's parent, guardian, or custodian and attending physician;	67566 67567
(f) Reporting screening results to the department of health;	67568
(g) Referring newborns that receive abnormal screening results to providers of follow-up services.	67569 67570
(2) In adopting rules under division (D)(1)(b) of this section, the director shall specify screening equipment and methods that include the use of pulse oximetry or other screening equipment and methods that detect critical congenital heart defects at least as accurately as pulse oximetry. The screening equipment and methods specified shall be consistent with recommendations issued by nationally recognized organizations that advocate on behalf of medical professionals or individuals with cardiovascular conditions.	67571 67572 67573 67574 67575 67576 67577 67578 67579
Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:	67580 67581
(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	67582 67583 67584
(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.	67585 67586 67587
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	67588 67589
(4) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code <u>has the same meaning as in</u>	67590 67591

section 3701.503 of the Revised Code. 67592

(5) "~~Hospital~~" ~~means a hospital classified pursuant to rules~~ 67593
~~adopted under section 3701.07 of the Revised Code as a general~~ 67594
~~hospital or children's hospital and~~ has the same meaning as in 67595
section 3722.01 of the Revised Code to which either of the 67596
following applies: 67597

(a) The hospital has a maternity unit. 67598

(b) The hospital receives for care infants who have been 67599
transferred to it from other facilities and who have never been 67600
discharged to their residences following birth. 67601

(6) "Infant" means a child who is less than one year of age. 67602

(7) "Maternity unit" means the distinct portion of a hospital 67603
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 67604
~~Code~~ in which maternity services are provided. 67605

(8) "Other person responsible for the infant" includes a 67606
foster caregiver. 67607

(9) "Parent" means either parent, unless the parents are 67608
separated or divorced or their marriage has been dissolved or 67609
annulled, in which case "parent" means the parent who is the 67610
residential parent and legal custodian of the child. "Parent" also 67611
means a prospective adoptive parent with whom a child is placed. 67612

(10) "Shaken baby syndrome" means signs and symptoms, 67613
including, but not limited to, retinal hemorrhages in one or both 67614
eyes, subdural hematoma, or brain swelling, resulting from the 67615
violent shaking or the shaking and impacting of the head of an 67616
infant or small child. 67617

(B) The director of health shall establish the shaken baby 67618
syndrome education program by doing all of the following: 67619

(1) Developing educational materials that present readily 67620
comprehensible information on shaken baby syndrome; 67621

(2) Making available on the department of health web site in 67622
an easily accessible format the educational materials developed 67623
under division (B)(1) of this section; 67624

(3) Annually assessing the effectiveness of the shaken baby 67625
syndrome education program by doing all of the following: 67626

(a) Evaluating the reports received pursuant to section 67627
5101.135 of the Revised Code; 67628

(b) Reviewing the content of the educational materials to 67629
determine if updates or improvements should be made; 67630

(c) Reviewing the manner in which the educational materials 67631
are distributed, as described in section 3701.64 of the Revised 67632
Code, to determine if modifications to that manner should be made. 67633

(C) In meeting the requirements under division (B) of this 67634
section, the director shall develop educational materials that, to 67635
the extent possible, minimize administrative or financial burdens 67636
on any of the entities or persons listed in section 3701.64 of the 67637
Revised Code. 67638

Sec. 3701.69. (A)(1) The department of health shall create a 67639
Down syndrome information sheet that includes all of the 67640
following: 67641

(a) A description of Down syndrome, including its causes, 67642
effects on development, and potential complications; 67643

(b) Diagnostic tests; 67644

(c) Options for treatment and therapy; 67645

(d) Contact information for local, state, and national 67646
organizations that provide Down syndrome educational and support 67647
services and programs. 67648

(2) With respect to the medical information included in the 67649
information sheet, the department shall include only information 67650

that is current and based on medical evidence. 67651

(3) The department shall periodically review and update the 67652
information sheet and shall make it available on the department's 67653
internet web site. 67654

(B) If a patient under the care of any of the following 67655
health care professionals or facilities receives either a test 67656
result indicating Down syndrome or a prenatal or postnatal 67657
diagnosis of Down syndrome, the health care professional or 67658
facility shall provide to the patient or the patient's 67659
representative a copy of the information sheet created under 67660
division (A) of this section: 67661

(1) A physician authorized under Chapter 4731. of the Revised 67662
Code to practice medicine and surgery or osteopathic medicine and 67663
surgery; 67664

(2) A certified nurse-midwife who holds a certificate of 67665
authority issued under Chapter 4723. of the Revised Code; 67666

(3) A genetic counselor licensed under Chapter 4778. of the 67667
Revised Code; 67668

(4) A hospital ~~registered under section 3701.07 of the~~ 67669
~~Revised Code~~ licensed under Chapter 3722. of the Revised Code that 67670
operates a maternity unit or newborn care nursery; 67671

(5) A ~~maternity unit, newborn care nursery, or~~ maternity home 67672
licensed under Chapter 3711. of the Revised Code; 67673

(6) A freestanding birthing center licensed under section 67674
3702.30 of the Revised Code. 67675

Sec. 3701.83. There is hereby created in the state treasury 67676
the general operations fund. Moneys in the fund shall be used for 67677
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 67678
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 67679
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 67680

4736.06, and 4769.09 of the Revised Code. 67681

Sec. 3702.30. (A) As used in this section: 67682

(1) "Ambulatory surgical facility" means a facility in which 67683
surgical services are provided to patients who do not require 67684
hospitalization for inpatient care, the duration of services for 67685
any patient does not extend beyond twenty-four hours after the 67686
patient's admission, and to which any of the following apply: 67687

(a) The surgical services are provided in a building that is 67688
separate from another building in which inpatient care is 67689
provided, regardless of whether the separate building is part of 67690
the same organization as the building in which inpatient care is 67691
provided. 67692

(b) The surgical services are provided within a building in 67693
which inpatient care is provided and the entity that operates the 67694
portion of the building where the surgical services are provided 67695
is not the entity that operates the remainder of the building. 67696

(c) The facility is held out to any person or government 67697
entity as an ambulatory surgical facility or similar facility by 67698
means of signage, advertising, or other promotional efforts. 67699

"Ambulatory surgical facility" does not include a hospital 67700
emergency department, hospital provider-based department that is 67701
otherwise licensed under Chapter 3722. of the Revised Code, or an 67702
office of a physician, podiatrist, or dentist. 67703

(2) "Health care facility" means any of the following: 67704

(a) An ambulatory surgical facility; 67705

(b) A freestanding dialysis center; 67706

(c) A freestanding inpatient rehabilitation facility; 67707

(d) A freestanding birthing center; 67708

(e) A freestanding radiation therapy center; 67709

(f) A freestanding or mobile diagnostic imaging center. 67710

(B) By rule adopted in accordance with sections 3702.12 and 67711
3702.13 of the Revised Code, the director of health shall 67712
establish quality standards for health care facilities. The 67713
standards may incorporate accreditation standards or other quality 67714
standards established by any entity recognized by the director. 67715

In the case of an ambulatory surgical facility, the standards 67716
shall require the ambulatory surgical facility to maintain an 67717
infection control program. The purposes of the program are to 67718
minimize infections and communicable diseases and facilitate a 67719
functional and sanitary environment consistent with standards of 67720
professional practice. To achieve these purposes, ambulatory 67721
surgical facility staff managing the program shall create and 67722
administer a plan designed to prevent, identify, and manage 67723
infections and communicable diseases; ensure that the program is 67724
directed by a qualified professional trained in infection control; 67725
ensure that the program is an integral part of the ambulatory 67726
surgical facility's quality assessment and performance improvement 67727
program; and implement in an expeditious manner corrective and 67728
preventive measures that result in improvement. 67729

(C) Every ambulatory surgical facility shall require that 67730
each physician who practices at the facility comply with all 67731
relevant provisions in the Revised Code that relate to the 67732
obtaining of informed consent from a patient. 67733

(D) The director shall issue a license to each health care 67734
facility that makes application for a license and demonstrates to 67735
the director that it meets the quality standards established by 67736
the rules adopted under division (B) of this section and satisfies 67737
the informed consent compliance requirements specified in division 67738
(C) of this section. 67739

(E)(1) Except as provided in division (H) of this section and 67740

in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this

section or the rules adopted under this section, including a scale 67772
for determining the amount of the penalties; 67773

(4) Provisions specifying the form inspectors must use when 67774
conducting inspections of ambulatory surgical facilities. 67775

(G) An ambulatory surgical facility that performs or induces 67776
abortions shall comply with section 3701.791 of the Revised Code. 67777

(H) The following entities are not required to obtain a 67778
license as a freestanding diagnostic imaging center issued under 67779
this section: 67780

(1) A hospital registered under section 3701.07 of the 67781
Revised Code that provides diagnostic imaging; 67782

(2) An entity that is reviewed as part of a hospital 67783
accreditation or certification program and that provides 67784
diagnostic imaging; 67785

(3) An ambulatory surgical facility that provides diagnostic 67786
imaging in conjunction with or during any portion of a surgical 67787
procedure. 67788

Sec. 3702.31. (A) The quality monitoring and inspection fund 67789
is hereby created in the state treasury. The director of health 67790
shall use the fund to administer and enforce this section and 67791
sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 67792
3702.33 of the Revised Code and rules adopted pursuant to those 67793
sections. The director shall deposit in the fund any moneys 67794
collected pursuant to this section or section 3702.32 of the 67795
Revised Code. All investment earnings of the fund shall be 67796
credited to the fund. 67797

(B) The director of health shall adopt rules pursuant to 67798
Chapter 119. of the Revised Code establishing fees for both of the 67799
following: 67800

(1) Initial and renewal license applications submitted under 67801

section 3702.30 of the Revised Code. The fees established under 67802
division (B)(1) of this section shall not exceed the actual and 67803
necessary costs of performing the activities described in division 67804
(A) of this section. 67805

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 67806
the Revised Code. The fees established under division (B)(2) of 67807
this section shall not exceed the actual and necessary costs 67808
incurred during an inspection, including any indirect costs 67809
incurred by the department for staff, salary, or other 67810
administrative costs. The director of health shall provide to each 67811
health care facility or provider inspected pursuant to section 67812
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 67813
fee. The statement shall itemize and total the costs incurred. 67814
Within fifteen days after receiving a statement from the director, 67815
the facility or provider shall forward the total amount of the fee 67816
to the director. 67817

(3) The fees described in divisions (B)(1) and (2) of this 67818
section shall meet both of the following requirements: 67819

(a) ~~For each service described in section 3702.11 of the~~ 67820
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 67821
~~fifty dollars annually, except that the~~ The total fees charged to 67822
a health care provider under this section shall not exceed five 67823
thousand dollars annually. 67824

(b) The fee shall exclude any costs reimbursable by the 67825
United States centers for medicare and medicaid services as part 67826
of the certification process for the medicare program established 67827
under Title XVIII of the "Social Security Act," 79 Stat. 286 67828
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 67829
established under Title XIX of the "Social Security Act," 79 Stat. 67830
286 (1965), 42 U.S.C. 1396. 67831

(4) The director shall not establish a fee for any service 67832

for which a licensure or inspection fee is paid by the health care 67833
provider to a state agency for the same or similar licensure or 67834
inspection. 67835

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 67836
Revised Code: 67837

(A) "Applicant" means any person that submits an application 67838
for a certificate of need and who is designated in the application 67839
as the applicant. 67840

(B) "Person" means any individual, corporation, business 67841
trust, estate, firm, partnership, association, joint stock 67842
company, insurance company, government unit, or other entity. 67843

(C) "Certificate of need" means a written approval granted by 67844
the director of health to an applicant to authorize conducting a 67845
reviewable activity. 67846

(D) "Service area" means the current and projected primary 67847
and secondary service areas to which the long-term care facility 67848
is, or will be, providing long-term care services. 67849

(E) "Primary service area" means the geographic region, 67850
usually comprised of the Ohio zip code in which the long-term care 67851
facility is located and contiguous zip codes, from which 67852
approximately seventy-five to eighty per cent of the facility's 67853
residents currently originate or are expected to originate. 67854

(F) "Secondary service area" means the geographic region, 67855
usually comprised of Ohio zip codes not included in the primary 67856
service area, excluding isolated exceptions, from which the 67857
facility's remaining residents currently originate or are expected 67858
to originate. 67859

(G) "Third-party payer" means a health insuring corporation 67860
licensed under Chapter 1751. of the Revised Code, a health 67861
maintenance organization as defined in division (I) of this 67862

section, an insurance company that issues sickness and accident 67863
insurance in conformity with Chapter 3923. of the Revised Code, a 67864
state-financed health insurance program under Chapter 3701. or 67865
4123. of the Revised Code, the medicaid program, or any 67866
self-insurance plan. 67867

(H) "Government unit" means the state and any county, 67868
municipal corporation, township, or other political subdivision of 67869
the state, or any department, division, board, or other agency of 67870
the state or a political subdivision. 67871

(I) "Health maintenance organization" means a public or 67872
private organization organized under the law of any state that is 67873
qualified under section 1310(d) of Title XIII of the "Public 67874
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 67875

(J) "Existing long-term care facility" means either of the 67876
following: 67877

(1) A long-term care facility that is licensed or otherwise 67878
authorized to operate in this state in accordance with applicable 67879
law, including a county home or a county nursing home that is 67880
certified under Title XVIII or Title XIX of the "Social Security 67881
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 67882
and equipped to provide long-term care services, and is actively 67883
providing long-term care services; 67884

(2) A long-term care facility that is licensed or otherwise 67885
authorized to operate in this state in accordance with applicable 67886
law, including a county home or a county nursing home that is 67887
certified under Title XVIII or Title XIX of the "Social Security 67888
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 67889
beds ~~registered under section 3701.07~~ reported in an application 67890
submitted under section 3722.03 of the Revised Code as skilled 67891
nursing beds or long-term care beds and has provided long-term 67892
care services for at least three hundred sixty-five consecutive 67893

days within the twenty-four months immediately preceding the date 67894
a certificate of need application is filed with the director of 67895
health. 67896

(K) "State" means the state of Ohio, including, but not 67897
limited to, the general assembly, the supreme court, the offices 67898
of all elected state officers, and all departments, boards, 67899
offices, commissions, agencies, institutions, and other 67900
instrumentalities of the state of Ohio. "State" does not include 67901
political subdivisions. 67902

(L) "Political subdivision" means a municipal corporation, 67903
township, county, school district, and all other bodies corporate 67904
and politic responsible for governmental activities only in 67905
geographic areas smaller than that of the state to which the 67906
sovereign immunity of the state attaches. 67907

(M) "Affected person" means: 67908

(1) An applicant for a certificate of need, including an 67909
applicant whose application was reviewed comparatively with the 67910
application in question; 67911

(2) The person that requested the reviewability ruling in 67912
question; 67913

(3) Any person that resides or regularly uses long-term care 67914
facilities within the service area served or to be served by the 67915
long-term care services that would be provided under the 67916
certificate of need or reviewability ruling in question; 67917

(4) Any long-term care facility that is located in the 67918
service area where the long-term care services would be provided 67919
under the certificate of need or reviewability ruling in question; 67920

(5) Third-party payers that reimburse long-term care 67921
facilities for services in the service area where the long-term 67922
care services would be provided under the certificate of need or 67923

reviewability ruling in question. 67924

(N) "Long-term care facility" means, except as provided in 67925
section 3702.594 of the Revised Code, any of the following: 67926

(1) A nursing home licensed under section 3721.02 of the 67927
Revised Code or by a political subdivision certified under section 67928
3721.09 of the Revised Code; 67929

(2) The portion of any facility, including a county home or 67930
county nursing home, that is certified as a skilled nursing 67931
facility or a nursing facility under Title XVIII or XIX of the 67932
"Social Security Act"; 67933

(3) The portion of any hospital that contains beds ~~registered~~ 67934
~~under section 3701.07~~ reported in an application submitted under 67935
section 3722.03 of the Revised Code as skilled nursing beds or 67936
long-term care beds. 67937

(O) "Long-term care bed" or "bed" means a bed that is 67938
categorized as one of the following: 67939

(1) A bed that is located in a facility that is a nursing 67940
home licensed under section 3721.02 of the Revised Code or a 67941
facility licensed by a political subdivision certified under 67942
section 3721.09 of the Revised Code and is included in the 67943
authorized maximum licensed capacity of the facility; 67944

(2) A bed that is located in the portion of any facility, 67945
including a county home or county nursing home, that is certified 67946
as a skilled nursing facility under the medicare program or a 67947
nursing facility under the medicaid program and is included in the 67948
authorized maximum certified capacity of that portion of the 67949
facility; 67950

(3) A bed that is ~~registered under section 3701.07 of the~~ 67951
~~Revised Code~~ reported in an application submitted under section 67952
3722.03 of the Revised Code as a skilled nursing bed, a long-term 67953

care bed, or a special skilled nursing bed; 67954

(4) A bed in a county home or county nursing home that has 67955
been certified under section 5155.38 of the Revised Code as having 67956
been in operation on July 1, 1993, and is eligible for licensure 67957
as a nursing home bed; 67958

(5) A bed held as an approved bed under a certificate of need 67959
approved by the director. 67960

A bed cannot simultaneously be both a bed described in 67961
division (0)(1), (2), (3), or (4) of this section and a bed 67962
described in division (0)(5) of this section. 67963

(P) "Reviewability ruling" means a ruling issued by the 67964
director of health under division (A) of section 3702.52 of the 67965
Revised Code as to whether a particular proposed project is or is 67966
not a reviewable activity. 67967

(Q) "County nursing home" has the same meaning as in section 67968
5155.31 of the Revised Code. 67969

(R) "Principal participant" means both of the following: 67970

(1) A person who has an ownership or controlling interest of 67971
at least five per cent in an applicant, in a long-term care 67972
facility that is the subject of an application for a certificate 67973
of need, or in the owner or operator of the applicant or such a 67974
facility; 67975

(2) An officer, director, trustee, or general partner of an 67976
applicant, of a long-term care facility that is the subject of an 67977
application for a certificate of need, or of the owner or operator 67978
of the applicant or such a facility. 67979

(S) "Actual harm but not immediate jeopardy deficiency" means 67980
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 67981
pattern of deficiencies resulting in actual harm that is not 67982
immediate jeopardy or represents widespread deficiencies resulting 67983

in actual harm that is not immediate jeopardy. 67984

(T) "Immediate jeopardy deficiency" means a deficiency that, 67985
under 42 C.F.R. 488.404, either constitutes a pattern of 67986
deficiencies resulting in immediate jeopardy to resident health or 67987
safety or represents widespread deficiencies resulting in 67988
immediate jeopardy to resident health or safety. 67989

(U) "Existing bed" or "existing long-term care bed" means a 67990
bed from an existing long-term care facility, a bed described in 67991
division (O)(5) of this section, or a bed correctly reported as a 67992
long-term care bed pursuant to section 5155.38 of the Revised 67993
Code. 67994

Sec. 3702.52. The director of health shall administer a state 67995
certificate of need program in accordance with sections 3702.51 to 67996
3702.62 of the Revised Code and rules adopted under those 67997
sections. Administration of the program shall include both a 67998
standard review process and an expedited review process. 67999

(A) The director shall issue rulings on whether a particular 68000
proposed project is a reviewable activity. The director shall 68001
issue a ruling not later than forty-five days after receiving a 68002
request for a ruling accompanied by the information needed to make 68003
the ruling, except that if an expedited review is requested, the 68004
ruling shall be issued not later than thirty days after receiving 68005
the request for a ruling accompanied by the information needed to 68006
make the ruling. If the director does not issue a ruling in the 68007
required time, the project shall be considered to have been ruled 68008
not a reviewable activity. 68009

(B)(1) Each application for a certificate of need shall be 68010
submitted to the director on forms and in the manner prescribed by 68011
the director. An application for which expedited review is 68012
requested must meet the same requirements as all other 68013
applications. 68014

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. For either the standard or 68047
expedited review process, the director shall make a final 68048
determination regarding an application's completeness and issue a 68049
notice of the determination not later than one hundred eighty days 68050
after the date the director received the initial application. 68051

The director's determination that an application is not 68052
complete is final and not subject to appeal. 68053

(4) Except as necessary to comply with a subpoena issued 68054
under division (F) of this section, after a notice of completeness 68055
has been received, no person shall make revisions to information 68056
that was submitted to the director before the director mailed the 68057
notice of completeness or knowingly discuss in person or by 68058
telephone the merits of the application with the director. A 68059
person may supplement an application after a notice of 68060
completeness has been received by submitting clarifying 68061
information to the director. 68062

(C) All of the following apply to the process of granting or 68063
denying a certificate of need: 68064

(1) If the project proposed in a certificate of need 68065
application meets all of the applicable certificate of need 68066
criteria for approval under sections 3702.51 to 3702.62 of the 68067
Revised Code and the rules adopted under those sections, the 68068
director shall grant a certificate of need for all or part of the 68069
project that is the subject of the application by the applicable 68070
deadline specified in division (C)(4) of this section or any 68071
extension of it under division (C)(5) of this section. 68072

(2) The director's grant of a certificate of need does not 68073
affect, and sets no precedent for, the director's decision to 68074
grant or deny other applications for similar reviewable 68075
activities. 68076

(3) Any affected person may submit written comments regarding 68077

an application. The director shall consider all written comments 68078
received by the forty-fifth day after the application is submitted 68079
to the director, except that to be considered in an expedited 68080
review, written comments must be received by the twenty-first day 68081
after the application is submitted. 68082

(4) Except as provided in division (C)(5) of this section, 68083
the director shall grant or deny certificate of need applications 68084
not later than sixty days after mailing the notice of completeness 68085
unless the application is receiving expedited review. If the 68086
application is receiving expedited review, the director shall 68087
grant or deny the application not later than forty-five days after 68088
mailing the notice of completeness. 68089

(5) Except as provided in division (C)(6) of this section, 68090
the director or the applicant may extend the deadline prescribed 68091
in division (C)(4) of this section once, for no longer than thirty 68092
days, by written notice before the end of the deadline prescribed 68093
by division (C)(4) of this section. An extension by the director 68094
under division (C)(5) of this section shall apply to all 68095
applications that are in comparative review. 68096

(6) No applicant in a comparative review may extend the 68097
deadline specified in division (C)(4) of this section. 68098

(7) If the director does not grant or deny the certificate by 68099
the applicable deadline specified in division (C)(4) of this 68100
section or any extension of it under division (C)(5) of this 68101
section, the certificate shall be considered to have been granted. 68102

(8) In granting a certificate of need, the director shall 68103
specify as the maximum capital expenditure the certificate holder 68104
may obligate under the certificate a figure equal to one hundred 68105
ten per cent of the approved project cost. 68106

(9) In granting a certificate of need, the director may grant 68107
the certificate with conditions that must be met by the holder of 68108

the certificate. 68109

(D) When a certificate of need is granted for a project under 68110
which beds are to be relocated, upon completion of the project for 68111
which the certificate of need was granted a number of beds equal 68112
to the number of beds relocated shall cease to be operated in the 68113
long-term care facility from which they are relocated, except that 68114
the beds may continue to be operated for not more than fifteen 68115
days to allow relocation of residents to the facility to which the 68116
beds have been relocated. Notwithstanding section 3721.03 of the 68117
Revised Code, if the relocated beds are in a home licensed under 68118
Chapter 3721. of the Revised Code, the facility's license is 68119
automatically reduced by the number of beds relocated effective 68120
fifteen days after the beds are relocated. If the beds are in a 68121
facility that is certified as a skilled nursing facility or 68122
nursing facility under Title XVIII or XIX of the "Social Security 68123
Act," the certification for the beds shall be surrendered. If the 68124
beds are ~~registered under section 3701.07~~ reported in an 68125
application submitted under section 3722.03 of the Revised Code as 68126
skilled nursing beds or long-term care beds, the director shall 68127
remove the beds from registration not later than fifteen days 68128
after the beds are relocated. 68129

(E) During the period beginning with the granting of a 68130
certificate of need and ending five years after implementation of 68131
the reviewable activity for which the certificate was granted, the 68132
director shall monitor the activities of the person granted the 68133
certificate to determine whether the reviewable activity is 68134
conducted in substantial accordance with the certificate. A 68135
reviewable activity shall not be determined to be not in 68136
substantial accordance with the certificate of need solely because 68137
of either of the following: 68138

(1) A decrease in bed capacity; 68139

(2) A change in the owner or operator of the facility unless 68140

any of the circumstances specified in division (B) of section 68141
3702.59 of the Revised Code apply to the new owner or operator. 68142

(F) When reviewing applications for certificates of need, 68143
considering appeals under section 3702.60 of the Revised Code, or 68144
monitoring activities of persons granted certificates of need, the 68145
director may issue and enforce, in the manner provided in section 68146
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 68147
compel a person to testify and produce documents relevant to 68148
review of the application, consideration of the appeal, or 68149
monitoring of the activities. In addition, the director or the 68150
director's designee may visit the sites where the activities are 68151
or will be conducted. 68152

(G) The director may withdraw certificates of need. 68153

(H) All long-term care facilities shall submit to the 68154
director, upon request, any information prescribed by rules 68155
adopted under division (H) of section 3702.57 of the Revised Code 68156
that is necessary to conduct reviews of certificate of need 68157
applications and to develop criteria for reviews. 68158

(I) Any decision to grant or deny a certificate of need shall 68159
consider the special needs and circumstances resulting from moral 68160
and ethical values and the free exercise of religious rights of 68161
long-term care facilities administered by religious organizations, 68162
and the special needs and circumstances of inner city and rural 68163
communities. 68164

Sec. 3702.521. (A) Reviews of applications for certificates 68165
of need to recategorize hospital beds to skilled nursing beds 68166
shall be conducted in accordance with this division and rules 68167
adopted by the director of health. 68168

(1) No hospital recategorizing beds shall apply for a 68169
certificate of need for more than twenty skilled nursing beds. 68170

(2) No beds for which a certificate of need is requested 68171
under this division shall be reviewed under or counted in any 68172
formula developed under rules adopted by the director for the 68173
purpose of determining the number of long-term care beds that may 68174
be needed within the state. 68175

(3) No beds shall be approved under this division unless the 68176
hospital certifies and demonstrates in the application that the 68177
beds will be dedicated to patients with a length of stay of no 68178
more than thirty days. 68179

(4) No beds shall be approved under this division unless the 68180
hospital can satisfactorily demonstrate in the application that it 68181
is routinely unable to place the patients planned for the beds in 68182
accessible skilled nursing facilities. 68183

(5) In developing rules to implement this division, the 68184
director shall give special attention to the required 68185
documentation of the need for such beds, including the efforts 68186
made by the hospital to place patients in suitable skilled nursing 68187
facilities, and special attention to the appropriate size of units 68188
with such beds given the historical pattern of the applicant 68189
hospital's documented difficulty in placing skilled nursing 68190
patients. 68191

(B) For assistance in monitoring the use of hospital beds 68192
recategorized as skilled nursing beds after August 5, 1989, the 68193
director shall adopt rules specifying appropriate quarterly 68194
procedures for reporting to the department of health. 68195

(C) A patient may stay in a hospital bed that, after August 68196
5, 1989, has been recategorized as a skilled nursing bed for more 68197
than thirty days if the hospital is able to demonstrate that it 68198
made a good faith effort to place the patient in an accessible 68199
skilled nursing facility acceptable to the patient within the 68200
thirty-day period, but was unable to do so. 68201

(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the medicaid program.

(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates of need necessary for hospitals to engage in demonstration projects authorized by the federal government for the purpose of enhancing long-term quality of care and cost containment. Nothing in this section limits the ability of hospitals to develop swing bed programs in accordance with federal regulations.

No hospital that is granted a certificate of need after August 5, 1989, to recategorize hospital beds as skilled nursing beds is subject to sections 3721.01 to 3721.09 of the Revised Code. If the portion of the hospital in which the recategorized beds are located is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that portion of the hospital is subject to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of the Revised Code. If the beds are ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds, the beds are subject to sections 5168.40 to 5168.56 of the Revised Code.

Sec. 3702.55. A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or

utilizing the facility resulting from the violation not later than 68233
thirty days after the person receives the notice mailed under 68234
section 3702.532 of the Revised Code or, if the person appeals the 68235
director's determination under section 3702.60 of the Revised 68236
Code, thirty days after the person receives an order upholding the 68237
director's determination that is not subject to further appeal. 68238

If any person determined to have violated section 3702.53 of 68239
the Revised Code fails to cease conducting an activity or using a 68240
facility as required by this section or if the person continues to 68241
seek payment or reimbursement for services rendered or costs 68242
incurred in conducting the activity as prohibited by section 68243
3702.56 of the Revised Code, in addition to the penalties imposed 68244
under section 3702.54 or 3702.541 of the Revised Code: 68245

~~(A) The director of health may refuse to include any beds 68246
involved in the activity in the bed capacity of a hospital for 68247
purposes of registration under section 3701.07 of the Revised 68248
Code; 68249~~

~~(B)~~ The director of health may refuse to license, or may 68250
revoke a license or reduce bed capacity previously granted to, a 68251
hospice care program under section 3712.04 of the Revised Code; a 68252
nursing home, residential care facility, or home for the aging 68253
under section 3721.02 of the Revised Code; or any beds within any 68254
of those facilities that are involved in the activity; 68255

~~(C)~~(B) A political subdivision certified under section 68256
3721.09 of the Revised Code may refuse to license, or may revoke a 68257
license or reduce bed capacity previously granted to, a nursing 68258
home, residential care facility, or home for the aging, or any 68259
beds within any of those facilities that are involved in the 68260
activity; 68261

~~(D)~~(C) The director of mental health and addiction services 68262
may refuse to license under section 5119.33 of the Revised Code, 68263

or may revoke a license or reduce bed capacity previously granted 68264
to, a hospital receiving mentally ill persons or beds within such 68265
a hospital that are involved in the activity; 68266

~~(E)~~(D) The department of medicaid may refuse to enter into a 68267
provider agreement that includes a facility, beds, or services 68268
that result from the activity. 68269

Sec. 3702.592. (A) The director of health shall accept, for 68270
review under section 3702.52 of the Revised Code, certificate of 68271
need applications for any of the following purposes if the 68272
proposed increase in beds is attributable to a replacement or 68273
relocation of existing beds from an existing long-term care 68274
facility within the same county: 68275

(1) Approval of beds in a new long-term care facility or an 68276
increase of beds in an existing long-term care facility if the 68277
beds are proposed to be licensed as nursing home beds under 68278
Chapter 3721. of the Revised Code; 68279

(2) Approval of beds in a new county home or new county 68280
nursing home, or an increase of beds in an existing county home or 68281
existing county nursing home if the beds are proposed to be 68282
certified as skilled nursing facility beds under the medicare 68283
program, Title XVIII of the "Social Security Act," 49 Stat. 286 68284
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 68285
the medicaid program, Title XIX of the "Social Security Act," 49 68286
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 68287

(3) An increase of hospital beds ~~registered pursuant to~~ 68288
~~section 3701.07 of the Revised Code~~ reported in an application 68289
submitted under section 3722.03 of the Revised Code as long-term 68290
care beds; 68291

(4) An increase of hospital beds ~~registered pursuant to~~ 68292
~~section 3701.07 of the Revised Code~~ reported in an application 68293

submitted under section 3722.03 of the Revised Code as special 68294
skilled nursing beds that were originally authorized by and are 68295
operated in accordance with section 3702.521 of the Revised Code. 68296

(B) The director shall accept applications described in 68297
division (A) of this section at any time. 68298

Sec. 3702.593. (A) At the times specified in this section, 68299
the director of health shall accept, for review under section 68300
3702.52 of the Revised Code, certificate of need applications for 68301
any of the following purposes if the proposed increase in beds is 68302
attributable solely to relocation of existing beds from an 68303
existing long-term care facility in a county with excess beds to a 68304
long-term care facility in a county in which there are fewer 68305
long-term care beds than the county's bed need: 68306

(1) Approval of beds in a new long-term care facility or an 68307
increase of beds in an existing long-term care facility if the 68308
beds are proposed to be licensed as nursing home beds under 68309
Chapter 3721. of the Revised Code; 68310

(2) Approval of beds in a new county home or new county 68311
nursing home, or an increase of beds in an existing county home or 68312
existing county nursing home if the beds are proposed to be 68313
certified as skilled nursing facility beds under the medicare 68314
program, Title XVIII of the "Social Security Act," 49 Stat. 286 68315
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 68316
the medicaid program, Title XIX of the "Social Security Act," 49 68317
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 68318

(3) An increase of hospital beds ~~registered pursuant to~~ 68319
~~section 3701.07 of the Revised Code~~ reported in an application 68320
submitted under section 3722.03 of the Revised Code as long-term 68321
care beds. 68322

(B) For the purpose of implementing this section, the 68323

director shall do all of the following: 68324

(1) Not later than October 1, 2023, and every four years 68325
thereafter, determine the long-term care bed supply for each 68326
county, which shall consist of all of the following: 68327

(a) Nursing home beds licensed under Chapter 3721. of the 68328
Revised Code; 68329

(b) Beds certified as skilled nursing facility beds under the 68330
medicare program or nursing facility beds under the medicaid 68331
program; 68332

(c) Beds in any portion of a hospital that are properly 68333
~~registered under section 3701.07 reported in an application~~ 68334
submitted under section 3722.03 of the Revised Code as skilled 68335
nursing beds, long-term care beds, or special skilled nursing 68336
beds; 68337

(d) Beds in a county home or county nursing home that are 68338
certified under section 5155.38 of the Revised Code as having been 68339
in operation on July 1, 1993, and are eligible for licensure as 68340
nursing home beds; 68341

(e) Beds described in division (O)(5) of section 3702.51 of 68342
the Revised Code. 68343

(2) Determine the long-term care bed occupancy rate for the 68344
state at the time the determination is made; 68345

(3) For each county, determine the county's bed need by 68346
identifying the number of long-term care beds that would be needed 68347
in the county in order for the statewide occupancy rate for a 68348
projected population aged sixty-five and older to be ninety per 68349
cent. 68350

In determining each county's bed need, the director shall use 68351
the formula developed in rules adopted under section 3702.57 of 68352
the Revised Code. A determination shall be made not later than 68353

October 1, 2023, and every four years thereafter. After each 68354
determination is made, the director shall publish the county's bed 68355
need on the web site maintained by the department of health. 68356

(C) The director's consideration of an application for a 68357
certificate of need that would increase the number of beds in a 68358
county shall be consistent with the county's bed need determined 68359
under division (B) of this section except as follows: 68360

(1) If a county's occupancy rate is less than eighty-five per 68361
cent, the county shall be considered to have no need for 68362
additional beds. 68363

(2) Even if a county is determined not to need any additional 68364
long-term care beds, the director may approve an increase in beds 68365
equal to up to ten per cent of the county's bed supply if the 68366
county's occupancy rate is greater than ninety per cent. 68367

(D)(1) For the review process used in considering certificate 68368
of need applications, the director shall establish a review period 68369
that begins January 1, 2020, and ends December 31, 2023. 68370
Thereafter, the review period for each review process shall begin 68371
on the first day of January following the end of the previous 68372
review period and shall be four years. 68373

(2) Certificate of need applications shall be accepted during 68374
the first month of the review period and reviewed through the 68375
thirtieth day of September of the year in which the review period 68376
begins. 68377

(E) The director shall consider certificate of need 68378
applications in accordance with all of the following: 68379

(1) The number of beds approved for a county shall include 68380
only beds available for relocation from another county and shall 68381
not exceed the bed need of the receiving county; 68382

(2) The director shall consider the existence of community 68383

resources serving persons who are age sixty-five or older or 68384
disabled that are demonstrably effective in providing alternatives 68385
to long-term care facility placement. 68386

(3) The director shall approve relocation of beds from a 68387
county only if, after the relocation, the number of beds remaining 68388
in the county will exceed the county's bed need by at least one 68389
hundred beds; 68390

(4) The director shall approve relocation of beds from a 68391
long-term care facility only if, after the relocation, the number 68392
of beds in the facility's service area is at least equal to the 68393
state bed need rate. For purposes of this division, a facility's 68394
service area shall be either of the following: 68395

(a) The census tract in which the facility is located, if the 68396
facility is located in an area designated by the United States 68397
secretary of health and human services as a health professional 68398
shortage area under the "Public Health Service Act," 88 Stat. 682 68399
(1944), 42 U.S.C. 254(e), as amended; 68400

(b) The area that is within a fifteen-mile radius of the 68401
facility's location, if the facility is not located in a health 68402
professional shortage area. 68403

(F) Applications made under this section are subject to 68404
comparative review if two or more applications are submitted 68405
during the same review period and any of the following applies: 68406

(1) The applications propose to relocate beds from the same 68407
county and the number of beds for which certificates of need are 68408
being requested totals more than the number of beds available in 68409
the county from which the beds are to be relocated. 68410

(2) The applications propose to relocate beds to the same 68411
county and the number of beds for which certificates of need are 68412
being requested totals more than the number of beds needed in the 68413
county to which the beds are to be relocated. 68414

(3) The applications propose to relocate beds from the same 68415
service area and the number of beds left in the service area from 68416
which the beds are being relocated would be less than the state 68417
bed need rate determined by the director. 68418

(G) In determining which applicants should receive preference 68419
in the comparative review process, the director shall consider all 68420
of the following as weighted priorities: 68421

(1) Whether the beds will be part of a continuing care 68422
retirement community; 68423

(2) Whether the beds will serve an underserved population, 68424
such as low-income individuals, individuals with disabilities, or 68425
individuals who are members of racial or ethnic minority groups; 68426

(3) Whether the project in which the beds will be included 68427
will provide alternatives to institutional care, such as adult 68428
day-care, home health care, respite or hospice care, mobile meals, 68429
residential care, independent living, or congregate living 68430
services; 68431

(4) Whether the long-term care facility's owner or operator 68432
will participate in medicaid waiver programs for alternatives to 68433
institutional care; 68434

(5) Whether the project in which the beds will be included 68435
will reduce alternatives to institutional care by converting 68436
residential care beds or other alternative care beds to long-term 68437
care beds; 68438

(6) Whether the facility in which the beds will be placed has 68439
positive resident and family satisfaction surveys; 68440

(7) Whether the facility in which the beds will be placed has 68441
fewer than fifty long-term care beds; 68442

(8) Whether the long-term care facility in which the beds 68443
will be placed is located within the service area of a hospital 68444

and is designed to accept patients for rehabilitation after an 68445
in-patient hospital stay; 68446

(9) Whether the long-term care facility in which the beds 68447
will be placed is or proposes to become a nurse aide training and 68448
testing site; 68449

(10) The rating, under the centers for medicare and medicaid 68450
services' five star nursing home quality rating system, of the 68451
long-term care facility in which the beds will be placed. 68452

(H) A person who has submitted an application under this 68453
section that is not subject to comparative review may revise the 68454
site of the proposed project pursuant to section 3702.522 of the 68455
Revised Code. 68456

(I) When a certificate of need application is approved, in 68457
addition to the actions required by division (D) of section 68458
3702.52 of the Revised Code, the long-term care facility from 68459
which the beds were relocated shall reduce the number of beds 68460
operated in the facility by a number of beds equal to at least ten 68461
per cent of the number of beds relocated. If these beds are in a 68462
home licensed under Chapter 3721. of the Revised Code, the 68463
long-term care facility shall have the beds removed from the 68464
license. If the beds are in a facility that is certified as a 68465
skilled nursing facility or nursing facility under Title XVIII or 68466
XIX of the "Social Security Act," the facility shall surrender the 68467
certification of these beds. If the beds are ~~registered~~ reported 68468
in an application submitted under section 3722.03 of the Revised 68469
Code as skilled nursing beds or long-term care beds ~~under section~~ 68470
~~3701.07 of the Revised Code~~, the long-term care facility shall 68471
surrender the registration for these beds. This reduction shall be 68472
made not later than the completion date of the project for which 68473
the beds were relocated. 68474

Sec. 3705.30. (A) As used in this section: 68475

(1) "~~Freestanding birthing center~~" ~~has the same meaning as in~~ 68476
~~section 3702.141 of the Revised Code~~ has the same meaning as in 68477
section 3701.503 of the Revised Code. 68478

(2) "~~Hospital~~" ~~means a hospital classified under section~~ 68479
~~3701.07 of the Revised Code as a general hospital or children's~~ 68480
~~hospital~~ has the same meaning as in section 3722.01 of the Revised 68481
Code. 68482

(3) "Physician" means an individual authorized under Chapter 68483
4731. of the Revised Code to practice medicine and surgery or 68484
osteopathic medicine and surgery. 68485

(B) The director of health shall establish and, if funds for 68486
this purpose are available, implement a statewide birth defects 68487
information system for the collection of information concerning 68488
congenital anomalies, stillbirths, and abnormal conditions of 68489
newborns. 68490

(C) If the system is implemented under division (B) of this 68491
section, all of the following apply: 68492

(1) The director may require each physician, hospital, and 68493
freestanding birthing center to report to the system information 68494
concerning all patients under five years of age with a primary 68495
diagnosis of a congenital anomaly or abnormal condition. The 68496
director shall not require a hospital, freestanding birthing 68497
center, or physician to report to the system any information that 68498
is reported to the director or department of health under another 68499
provision of the Revised Code or Administrative Code. 68500

(2) On request, each physician, hospital, and freestanding 68501
birthing center shall give the director or authorized employees of 68502
the department of health access to the medical records of any 68503
patient described in division (C)(1) of this section. The 68504
department shall pay the costs of copying any medical records 68505
pursuant to this division. 68506

(3) The director may review vital statistics records and 68507
shall consider expanding the list of congenital anomalies and 68508
abnormal conditions of newborns reported on birth certificates 68509
pursuant to section 3705.08 of the Revised Code. 68510

(D) A physician, hospital, or freestanding birthing center 68511
that provides information to the system under division (C) of this 68512
section shall not be subject to criminal or civil liability for 68513
providing the information. 68514

Sec. 3705.41. (A) As used in this section: 68515

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 68516
~~section 3702.141 of the Revised Code~~ has the same meaning as in 68517
section 3701.503 of the Revised Code. 68518

(2) "Funeral services worker" means a person licensed as a 68519
funeral director or embalmer under Chapter 4717. of the Revised 68520
Code or an individual responsible for the direct final disposition 68521
of a deceased person. 68522

(3) "Hospital" ~~means a hospital classified pursuant to rules~~ 68523
~~adopted under section 3701.07 of the Revised Code as a general~~ 68524
~~hospital or children's hospital and to which either of the~~ 68525
~~following applies:~~ 68526

~~(a) The hospital has a maternity unit.~~ 68527

~~(b) The hospital receives for care infants who have been~~ 68528
~~transferred to it from other facilities and who have never been~~ 68529
~~discharged to their residences following birth~~ has the same 68530
meaning as in section 3722.01 of the Revised Code. 68531

~~(4) "Maternity unit" means the distinct portion of a hospital~~ 68532
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 68533
~~Code.~~ 68534

(B) At least annually, the state registrar shall offer to 68535
provide training for appropriate staff of hospitals and 68536

freestanding birthing centers, as well as funeral services 68537
workers, on their responsibilities under the laws of this state 68538
and any rules adopted pursuant to those laws pertaining to vital 68539
records. If provided, the training shall cover correct data entry 68540
procedures and time limits for reporting vital statistics 68541
information for the purpose of ensuring accuracy and consistency 68542
of the system of vital statistics. 68543

Sec. 3711.01. As used in this chapter: 68544

(A) "Board of health" means a board of health of a city or 68545
general health district or the authority having the duties of a 68546
board of health under section 3709.05 of the Revised Code. 68547

(B) "Maternity home" means a facility for pregnant girls and 68548
women where accommodations, medical care, and social services are 68549
provided during the prenatal and postpartal periods. "Maternity 68550
home" does not include a private residence where obstetric or 68551
newborn services are received by a resident of the home. 68552

~~(C) "Maternity unit" means a distinct portion of a hospital 68553
in which inpatient care is provided to women during all or part of 68554
the maternity cycle. 68555~~

~~(D) "Newborn care nursery" means a distinct portion of a 68556
hospital in which inpatient care is provided to infants. "Newborn 68557
care nursery" includes a distinct portion of a hospital in which 68558
intensive care is provided to infants. 68559~~

Sec. 3711.02. (A) Except as provided in division (B) of this 68560
section, no person shall operate ~~any of the following,~~ a maternity 68561
home unless the person holds the appropriate license issued under 68562
this chapter and the license is valid: 68563

~~(1) A maternity unit; 68564~~

~~(2) A newborn care nursery; 68565~~

~~(3) A maternity home.~~ 68566

(B) Division (A) of this section does not apply to a health 68567
care facility, as defined in section 3702.30 of the Revised Code. 68568

Sec. 3711.04. Each person seeking to operate a ~~maternity~~ 68569
~~unit, newborn care nursery, or~~ maternity home shall apply to the 68570
director of health for a license under this chapter. The 68571
application shall be submitted in the form and manner prescribed 68572
by the director in rules adopted under section 3711.12 of the 68573
Revised Code. 68574

~~A single application and license is required if an applicant~~ 68575
~~will operate both a maternity unit and newborn care nursery.~~ 68576

Sec. 3711.05. (A) The director of health shall review all 68577
applications received under section 3711.04 of the Revised Code. 68578
On receipt of a complete application, the director shall send a 68579
copy of the application to the board of health of the city or 68580
general health district in which the ~~maternity unit, newborn care~~ 68581
~~nursery, or~~ maternity home is to be operated. 68582

Unless the board finds that an applicant is not in compliance 68583
with an applicable health regulation adopted by the board, the 68584
board shall approve the application. The board shall notify the 68585
director of its determination to approve or disapprove the 68586
application. If the board does not notify the director of its 68587
determination by the end of the thirtieth day after the board 68588
receives the copy of the application, the application is deemed to 68589
have been approved by the board. 68590

(B) The director shall issue a license to an applicant if all 68591
of the following requirements are met: 68592

(1) The board of health approves the application or the 68593
application is deemed to have been approved; 68594

(2) The applicant meets the standards specified in rules 68595
adopted under section 3711.12 of the Revised Code; 68596

(3) The applicant passes the inspection required by section 68597
3711.06 of the Revised Code. 68598

(C) On issuance of a license, the director shall notify the 68599
board of health to which the application was sent under division 68600
(A) of this section. In the notice, the director shall specify the 68601
terms that apply to the license. 68602

Sec. 3711.06. The director of health shall inspect each 68603
~~maternity unit, newborn care nursery, or~~ maternity home for which 68604
a person has applied for an initial license under section 3711.04 68605
of the Revised Code prior to issuing the license. Inspections 68606
shall be conducted in accordance with inspection criteria, 68607
procedures, and guidelines adopted by the director under section 68608
3711.12 of the Revised Code. 68609

Sec. 3711.10. The director of health shall monitor compliance 68610
with this chapter and the rules adopted under it. The director may 68611
conduct inspections of a ~~maternity unit, newborn care nursery, or~~ 68612
maternity home as necessary to adequately monitor compliance with 68613
this chapter and the rules adopted under it. The inspections may 68614
be scheduled or random. 68615

The board of health of the city or general health district in 68616
which a ~~maternity unit, newborn care nursery, or~~ maternity home is 68617
located may conduct inspections of the ~~unit, nursery, or~~ home as 68618
necessary to adequately monitor compliance with any applicable 68619
health regulation adopted by the board. The inspections may be 68620
scheduled or random. 68621

Sec. 3711.12. (A) The director of health shall adopt rules in 68622
accordance with Chapter 119. of the Revised Code as the director 68623

considers necessary to implement the requirements of this chapter 68624
for licensure and operation of ~~maternity units, newborn care~~ 68625
~~nurseries, and~~ maternity homes. The rules shall include provisions 68626
for the following: 68627

(1) Licensure application forms and procedures; 68628

(2) Renewal procedures, including procedures that address the 68629
right of the director of health, at the director's sole 68630
discretion, to conduct an inspection prior to renewal of a 68631
license; 68632

(3) Initial license fees and license renewal fees; 68633

(4) Fees for inspections conducted by the director under 68634
section 3711.10 of the Revised Code; 68635

(5) Safety standards, quality-of-care standards, and 68636
quality-of-care data reporting requirements; 68637

(6) Reporting and auditing requirements; 68638

(7) Inspection criteria, procedures, and guidelines; 68639

(8) Application forms to be used and procedures to be 68640
followed in applying under section 3711.13 of the Revised Code for 68641
a variance or waiver of any of the requirements of the rules 68642
adopted under this section regarding the operation of a maternity 68643
home; 68644

(9) Any other rules necessary to implement this chapter. 68645

(B) When adopting rules under this section, the director 68646
shall give consideration to recommendations regarding obstetric 68647
and newborn care issued by the American college of obstetricians 68648
and gynecologists; American academy of pediatrics; American 68649
academy of family physicians; American society of 68650
anesthesiologists; American college of nurse-midwives; United 68651
States centers for disease control and prevention; association of 68652

women's health, obstetric and neonatal nurses; and association of 68653
perioperative registered nurses, or their successor organizations. 68654

Sec. 3711.14. (A) In accordance with Chapter 119. of the 68655
Revised Code, the director of health may do any of the following: 68656

(1) Impose a civil penalty of not less than one thousand 68657
dollars and not more than two hundred fifty thousand dollars on a 68658
person who violates a provision of this chapter or the rules 68659
adopted under it; 68660

(2) Summarily suspend, in accordance with division (B) of 68661
this section, a license issued under this chapter if the director 68662
believes there is clear and convincing evidence that the continued 68663
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 68664
home presents a danger of immediate and serious harm to the 68665
public; 68666

(3) Revoke a license issued under this chapter if the 68667
director determines that a violation of a provision of this 68668
chapter or the rules adopted under it has occurred in such a 68669
manner as to pose an imminent threat of serious physical or 68670
life-threatening danger. 68671

(B) If the director suspends a license under division (A)(2) 68672
of this section, the director shall issue a written order of 68673
suspension and cause it to be delivered by certified mail or in 68674
person in accordance with section 119.07 of the Revised Code. The 68675
order shall not be subject to suspension by the court while an 68676
appeal filed under section 119.12 of the Revised Code is pending. 68677
If the individual subject to the suspension requests an 68678
adjudication, the date set for the adjudication shall be within 68679
fifteen days but not earlier than seven days after the individual 68680
makes the request, unless another date is agreed to by both the 68681
individual and the director. The summary suspension shall remain 68682
in effect, unless reversed by the director, until a final 68683

adjudication order issued by the director pursuant to this section 68684
and Chapter 119. of the Revised Code becomes effective. 68685

The director shall issue a final adjudication order not later 68686
than ninety days after completion of the adjudication. If the 68687
director does not issue a final order within the ninety-day 68688
period, the summary suspension shall be void, but any final 68689
adjudication order issued subsequent to the ninety-day period 68690
shall not be affected. 68691

(C) If the director issues an order revoking or suspending a 68692
license issued under this chapter and the license holder continues 68693
to operate a ~~maternity unit, newborn care nursery, or~~ maternity 68694
home, the director may ask the attorney general to apply to the 68695
court of common pleas of the county in which the person is located 68696
for an order enjoining the person from operating the ~~unit,~~ 68697
~~nursery, or~~ home. The court shall grant the order on a showing 68698
that the person is operating the ~~unit, nursery, or~~ home. 68699

Sec. 3711.30. (A) As used in this section, "opioid" means 68700
~~opium, opium derivatives, and synthetic opium substitutes~~ an 68701
opioid analgesic as defined in section 3719.01 of the Revised 68702
Code. 68703

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity 68704
home shall report to the department of health the number of 68705
newborns born to residents of this state in the ~~unit, nursery, or~~ 68706
home during the preceding calendar quarter that were diagnosed as 68707
opioid dependent at birth. The reports shall be submitted not 68708
later than thirty days after the end of each quarter and shall not 68709
include any patient-identifying information. 68710

(C) The department shall establish standards and procedures 68711
for reporting the information required by this section. The 68712
information reported under this section shall not be used for law 68713
enforcement purposes or disclosed to law enforcement authorities. 68714

(D) The department shall compile the information submitted 68715
under this section and make a summary of that information 68716
available to the public not later than ninety days after the end 68717
of each calendar year. 68718

Sec. 3722.01. As used in this chapter: 68719

(A) "Children's hospital" means either of the following: 68720

(1) A hospital that provides general pediatric medical and 68721
surgical care in which at least seventy-five per cent of annual 68722
inpatient discharges for the preceding two calendar years were 68723
individuals less than eighteen years of age; 68724

(2) A distinct portion of a hospital that provides general 68725
pediatric medical and surgical care in which at least seventy-five 68726
per cent of annual inpatient discharges for the preceding two 68727
calendar years were individuals less than eighteen years of age. 68728

(B) "Health care service" means any of the following: 68729

(1) Pediatric intensive care; 68730

(2) Solid organ and bone marrow transplantation; 68731

(3) Stem cell harvesting and reinfusion; 68732

(4) Cardiac catheterization; 68733

(5) Open heart surgery; 68734

(6) Operation of linear accelerators; 68735

(7) Operation of cobalt radiation therapy units; 68736

(8) Operation of gamma knives. 68737

(C) "Hospital" means an institution or facility that provides 68738
inpatient medical or surgical services for a continuous period 68739
longer than twenty-four hours. "Hospital" includes a children's 68740
hospital. 68741

(D) "Political subdivision" means a county, township, 68742

municipal corporation, or other body corporate and politic 68743
responsible for governmental activities in a geographic area 68744
smaller than that of the state. 68745

(E) "State university" has the same meaning as in section 68746
3345.12 of the Revised Code. 68747

Sec. 3722.02. (A) It is the intent of the General Assembly in 68748
enacting Chapter 3722. of the Revised Code to require each 68749
hospital operating in this state to be licensed by the director of 68750
health. Beginning on the date that is three years after the 68751
effective date of this section, any reference to a hospital 68752
contained in the Revised Code in a chapter other than Chapter 68753
3722. of the Revised Code shall be construed to mean a hospital 68754
licensed under Chapter 3722. of the Revised Code. 68755

(B) Beginning on the date that is three years after the 68756
effective date of this section, no person and no political 68757
subdivision, agency, or instrumentality of this state shall 68758
operate a hospital without holding a license issued by the 68759
director of health under section 3722.03 of the Revised Code. 68760

(C) Division (A) of this section does not apply to any of the 68761
following: 68762

(1) A hospital operated by the federal government; 68763

(2) An ambulatory surgical facility or other health care 68764
facility licensed as described in section 3702.30 of the Revised 68765
Code; 68766

(3) A nursing home or residential care facility licensed 68767
under Chapter 3721. of the Revised Code; 68768

(4) A hospital or inpatient unit licensed under section 68769
5119.33 of the Revised Code; 68770

(5) A residential facility as defined in section 5119.34 of 68771
the Revised Code; 68772

<u>(6) A residential facility as defined in section 5123.19 of the Revised Code;</u>	68773
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<u>(7) A community addiction services provider as defined in section 5119.01 of the Revised Code;</u>	68775
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<u>(8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;</u>	68777
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<u>(9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients;</u>	68780
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<u>(10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients;</u>	68783
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<u>(11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice;</u>	68786
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<u>(12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients;</u>	68789
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<u>(13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code.</u>	68791
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<u>(D)(1) If the director of health determines that a hospital is operating without a license in violation of this section, the director shall do any of the following:</u>	68800
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(a) Notify the hospital that it is operating without a license and provide it with an opportunity to apply for licensure, but only within the thirty-day period beginning on the date the hospital received the director's notice; 68803
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(b) Direct the hospital to cease operations; 68807

(c) Impose a civil penalty of not more than two hundred fifty thousand dollars; 68808
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(d) In addition to the penalty described in division (D)(1)(c) of this section, impose a penalty of not less than one thousand dollars and not more than ten thousand dollars for each day the hospital operates without a license. 68810
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(2) If the hospital described in division (D)(1) of this section continues to operate without a license, the director may petition the court of common pleas of the county in which the hospital is located for an order enjoining the hospital from operating. 68814
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Sec. 3722.03. (A) Subject to division (D) of this section, each person or political subdivision, agency, or instrumentality of this state, including a state university, seeking to operate a hospital shall apply to the director of health for a license to operate a hospital. 68819
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The director of health shall not consider any application for licensure until the date that is one year after the effective date of this section. An application shall be submitted in the form and manner prescribed by the director in rules adopted under section 3722.06 of the Revised Code. 68824
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(B) To be eligible for a license, an applicant must satisfy all of the following: 68829
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(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated 68831
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by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code; 68833
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(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code; 68836
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(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code; 68842
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(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds. 68845
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(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital. 68848
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(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code. 68851
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(3) Both of the following apply to a license issued under this section: 68857
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(a) The license is valid only for the hospital identified in the application. 68859
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(b) The license holder shall post a copy of the license in a conspicuous place in the hospital. 68861
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Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code. 68863
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The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice. 68870
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Sec. 3722.05. (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or accredited. 68875
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(B) When filing an application to renew a license issued under section 3722.03 of the Revised Code, an applicant may avoid an inspection by the director if the applicant submits with the application a copy of the hospital's most recent on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or accredited. 68885
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(C) For purposes of this section, an on-site survey report 68892

from an accrediting body submitted in accordance with this section 68893
is confidential and is not a public record under section 149.43 of 68894
the Revised Code. 68895

(D) At least once every thirty-six months, the director shall 68896
inspect each licensed hospital's maternity unit, newborn care 68897
nursery, and any unit providing health care services. 68898

(E) The director may at any time inspect a licensed hospital 68899
in order to address an incident that may impact public health, 68900
respond to a complaint submitted to the director, or otherwise 68901
ensure the safety of patients cared for by the hospital. 68902

(F) Any inspection conducted under this section is subject to 68903
a fee. Upon conducting the inspection, the director shall provide 68904
the applicant or license holder with a fee statement. Not later 68905
than fifteen days after receiving the fee statement, the applicant 68906
or license holder shall submit to the director the total amount of 68907
the fee. 68908

Sec. 3722.06. (A) Not later than the date that is one year 68909
after the effective date of this section, the director of health 68910
shall adopt rules establishing health, safety, welfare, and 68911
quality standards for hospitals licensed under this chapter, 68912
including standards for all of the following: 68913

(1) Maternity units; 68914

(2) Newborn care nurseries; 68915

(3) Health care services. 68916

(B) Not later than the date that is one year after the 68917
effective date of this section, the director shall adopt rules 68918
establishing standards and procedures for the licensure of 68919
hospitals, including all of the following: 68920

(1) Procedures for applying and renewing licenses as 68921
described in section 3722.03 of the Revised Code; 68922

<u>(2) Procedures for transferring licenses as described in section 3722.04 of the Revised Code;</u>	68923 68924
<u>(3) Procedures for inspections following complaints;</u>	68925
<u>(4) Subject to division (C)(1) of this section, fees for initial applications, license renewals, and license transfers, as well as inspections conducted under section 3722.05 of the Revised Code;</u>	68926 68927 68928 68929
<u>(5) Subject to division (C)(2) of this section, standards and procedures for imposing civil penalties as described in section 3722.07 of the Revised Code;</u>	68930 68931 68932
<u>(6) Standards and procedures for correcting violations, including through the submission of correction plans;</u>	68933 68934
<u>(7) Standards and procedures for identifying, monitoring, managing, reporting, and reducing exposures to risk conditions, such as Legionella, including through the use of environmental facility assessments, the development of water management plans, and the use of disinfection measures;</u>	68935 68936 68937 68938 68939
<u>(8) Standards and procedures for data reporting;</u>	68940
<u>(9) Standards and procedures for emergency preparedness;</u>	68941
<u>(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;</u>	68942 68943
<u>(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;</u>	68944 68945 68946
<u>(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.</u>	68947 68948 68949
<u>(C)(1) In the case of an inspection fee described in division (B)(4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established</u>	68950 68951 68952

under that division shall be limited to what is necessary to 68953
support the hospital licensure program. 68954

(2) The director shall establish a scale for use in 68955
determining the amount of a civil penalty that may be imposed 68956
under section 3722.07 of the Revised Code. The scale shall include 68957
per day amounts for ongoing violations. The total amount of a 68958
civil penalty shall not exceed two hundred fifty thousand dollars 68959
for each violation. 68960

(D) The director may adopt any other rules as necessary to 68961
implement this chapter. 68962

(E) When adopting rules under this section, all of the 68963
following apply: 68964

(1) The director shall adopt the rules in accordance with 68965
Chapter 119. of the Revised Code; 68966

(2) Any rules adopted are not subject to division (F) of 68967
section 121.95 of the Revised Code; 68968

(3) The director shall collaborate with representatives of 68969
this state's hospital industry to maximize the public health 68970
utility of rules adopted under this section and limit the 68971
administrative burden of and costs of complying with such rules. 68972

Sec. 3722.07. (A) Each hospital licensed under this chapter 68973
shall comply with the requirements of this chapter and the rules 68974
adopted under it. 68975

(B) In accordance with Chapter 119. of the Revised Code, if 68976
the director of health finds that a license holder has violated 68977
any requirement of this chapter or the rules adopted under it, the 68978
director may do any of the following: 68979

(1) Impose a civil penalty of not less than one thousand 68980
dollars and not more than two hundred fifty thousand dollars; 68981

(2) Require the license holder to submit a plan to correct or mitigate the violation; 68982
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(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it. 68984
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(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following: 68988
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(a) The nature of the conditions giving rise to the director's judgment; 68992
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(b) The measures that the director determines the hospital must take to respond to the conditions; 68994
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 68996
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 69002
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(3) If the licensed hospital fails to notify the director, 69013
within the period of time specified in division (C)(1)(c) of this 69014
section, that the conditions giving rise to the director's 69015
determination have been corrected and that the hospital is in 69016
substantial compliance with this chapter and the rules adopted 69017
under it, the director may suspend the health care service or 69018
revoke the license. 69019

(D) If the director suspends a health care service or revokes 69020
a license under division (C) of this section, the director shall 69021
issue a written order of suspension or revocation and cause it to 69022
be delivered by certified mail or in person in accordance with 69023
section 119.07 of the Revised Code. If the license holder subject 69024
to the suspension or revocation requests an adjudication, the date 69025
set for the adjudication shall be within fifteen days but not 69026
earlier than seven days after the individual makes the request, 69027
unless another date is agreed to by both the individual and the 69028
director. The suspension or revocation shall remain in effect, 69029
unless reversed by the director, until a final adjudication order 69030
issued by the director pursuant to this section and Chapter 119. 69031
of the Revised Code becomes effective. 69032

The director shall issue a final adjudication order not later 69033
than ninety days after completion of the adjudication. If the 69034
director does not issue a final order within the ninety-day 69035
period, the suspension or revocation is void, but any final 69036
adjudication order issued subsequent to the ninety-day period 69037
shall not be affected. 69038

(E) If the director issues a final adjudication order 69039
suspending a health care service or suspending or revoking a 69040
license issued under this chapter and the license holder continues 69041
to operate a hospital, the director may ask the attorney general 69042
to apply to the court of common pleas of the county in which the 69043
hospital is located for an order enjoining the license holder from 69044

operating the hospital. 69045

Sec. 3722.08. (A) As used in this section, "imminent threat 69046
of harm" means imminent danger of serious physical or 69047
life-threatening harm to one or more occupants of a hospital. 69048

(B) If, in the judgment of the director of health, an 69049
imminent threat of harm exists at any licensed hospital, the 69050
director may petition the court of common pleas of the county in 69051
which the hospital is located for such injunctive relief as is 69052
necessary to close the hospital, suspend a service within the 69053
hospital, transfer one or more occupants to other hospitals or 69054
other appropriate care settings, or otherwise eliminate the 69055
imminent threat of harm. The court has jurisdiction to grant such 69056
injunctive relief upon a showing that there is an imminent threat 69057
of harm. In such court proceeding, the hospital shall have an 69058
opportunity to present evidence to the court that an imminent 69059
threat of harm does not exist or has been remedied. 69060

(C)(1) If the director determines that an imminent threat of 69061
harm exists at a licensed hospital and elects not to immediately 69062
seek injunctive relief under division (B) of this section, the 69063
director may give written notice of proposed action to the 69064
hospital. The notice shall specify all of the following: 69065

(a) The nature of the conditions giving rise to the imminent 69066
threat of harm; 69067

(b) The measures that the director determines the hospital 69068
must take to respond to the conditions; 69069

(c) The date on which the director intends to seek injunctive 69070
relief under division (B) of this section if the director 69071
determines that an imminent threat of harm remains at the 69072
hospital. 69073

(2) If the licensed hospital notifies the director, within 69074

the time specified pursuant to division (C)(1)(c) of this section, 69075
that it believes the conditions giving rise to the imminent threat 69076
of harm have been substantially corrected, the director shall 69077
conduct an inspection to determine whether an imminent threat of 69078
harm remains. If the director determines on the basis of the 69079
inspection that an imminent threat of harm remains, the director 69080
may petition under division (B) of this section for injunctive 69081
relief. 69082

(D) On finding that the imminent threat of harm for which 69083
injunctive relief was granted under division (B) of this section 69084
has been eliminated and that the hospital has demonstrated the 69085
capacity to prevent the imminent threat of harm from recurring, 69086
the court shall lift the injunctive relief. 69087

If the imminent threat of harm cannot be eliminated 69088
practicably within a reasonable time, the court may order the 69089
hospital to close, transfer all patients to other hospitals or 69090
other appropriate care settings, or suspend a service. 69091

(E) The director of health shall give notice of proposed 69092
action under this section to the following: 69093

(1) The hospital's administrator; 69094

(2) The hospital's governing board; 69095

(3) The hospital's statutory agent. 69096

A notice shall be delivered by hand or certified mail. If 69097
mailed, the notice shall be addressed to the persons specified in 69098
this section, as indicated in the department of health's records. 69099
If hand delivered, the notice shall be delivered to persons who 69100
would reasonably appear to the average prudent person to have 69101
authority to accept them. 69102

Sec. 3722.09. (A) The director of health may provide each 69103
licensed hospital with technical assistance in all of the 69104

<u>following areas:</u>	69105
<u>(1) Infectious diseases, including measures to prevent and control their spread;</u>	69106 69107
<u>(2) Quality improvement projects, including health equity and disparities;</u>	69108 69109
<u>(3) Population health initiatives;</u>	69110
<u>(4) Data analytics;</u>	69111
<u>(5) Workforce recruitment and development.</u>	69112
<u>(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. The director may terminate the assistance of a quality improvement organization at any time.</u>	69113 69114 69115 69116
<u>(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director.</u>	69117 69118 69119 69120 69121
<u>Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code.</u>	69122 69123 69124 69125 69126 69127
<u>Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code.</u>	69128 69129
<u>(B) Beginning on the date that is three years after the effective date of this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery</u>	69130 69131 69132

shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information. A third-party organization may report as described in this division on behalf of the hospital.

(C) The director shall establish standards and procedures for reporting the information required by this section, including reporting submitted by third-party organizations. The information reported under this section shall not be used for law enforcement purposes or disclosed to law enforcement authorities.

(D) The director shall compile the information submitted under this section and make a summary of that information available to the public not later than ninety days after the end of each calendar year.

Sec. 3722.12. (A) Beginning on the date that is three years after the effective date of this section, each hospital shall report to the director of health the contagious, environmental, or infectious diseases, illnesses, or health conditions or unusual infectious agents or biological toxins for which it provides treatment to patients. A third-party organization may report as described in this division on behalf of the hospital.

(B) The director shall adopt rules that do all of the following:

(1) Specify the diseases, illnesses, conditions, infectious agents, and biological toxins to be reported under this section;

(2) Specify the frequency with which a hospital shall report to the director under this section;

(3) Prescribe the manner in which a hospital or third-party

organization shall report to the director under this section. 69163

(C) Any information reported under this section shall be 69164
considered protected health information as described in section 69165
3701.17 of the Revised Code and shall be released only in 69166
accordance with that section. Information that does not identify 69167
an individual may be released in summary, statistical, or 69168
aggregate form. 69169

Sec. 3722.13. All initial license fees, renewal fees, fees 69170
for inspections conducted by the director of health and civil 69171
penalties collected under this chapter shall be deposited in the 69172
state treasury to the credit of the general operations fund 69173
created under section 3701.83 of the Revised Code. The moneys 69174
shall be used solely for purposes of administering and enforcing 69175
this chapter and the rules adopted under it. 69176

Sec. 3722.14. From the effective date of this section until 69177
the date that is three years after the effective date of this 69178
section, the requirements of this chapter apply only to a hospital 69179
that has obtained a license to operate issued under section 69180
3722.03 of the Revised Code. Beginning on the date that is three 69181
years after the effective date of this section, each hospital is 69182
subject to the requirements of this chapter. 69183

Sec. 3722.99. Beginning on the date that is three years from 69184
the effective date of this section, whoever violates division (B) 69185
of section 3722.02 of the Revised Code is guilty of a misdemeanor 69186
of the first degree and shall be liable for an additional penalty 69187
of one thousand dollars for each day of operation in violation of 69188
such division. 69189

Sec. 3727.70. As used in this section and sections 3727.71 to 69190
3727.79 of the Revised Code: 69191

(A) "Admission" means a patient's admission to a hospital on 69192
an inpatient basis by a health care professional ~~specified in~~ 69193
~~division (B)(1) of section 3727.06 of the Revised Code.~~ 69194

(B) "After-care" means assistance provided by a lay caregiver 69195
to a patient in the patient's residence after the patient's 69196
discharge and includes only the caregiving needs of the patient at 69197
the time of discharge. 69198

(C) "Discharge" means the discharge or release of a patient 69199
who has been admitted to a hospital on an inpatient basis from the 69200
hospital directly to the patient's residence. "Discharge" does not 69201
include the transfer of a patient to another facility or setting. 69202

(D) "Discharging health care professional" means a health 69203
care professional who is authorized ~~by division (B)(1) of section~~ 69204
~~3727.06 of the Revised Code~~ to admit a patient to a hospital and 69205
who has assumed responsibility for directing the creation of the 69206
patient's discharge plan under section 3727.75 of the Revised 69207
Code. 69208

(E) "Guardian" has the same meaning as in section 2133.01 of 69209
the Revised Code. 69210

(F) "Lay caregiver" means an adult designated under section 69211
3727.71 of the Revised Code to provide after-care to a patient. 69212

(G) "Lay caregiver designation" means the designation of a 69213
lay caregiver for a patient as described in section 3727.71 of the 69214
Revised Code. 69215

(H)(1) "Patient's residence" means either of the following: 69216

(a) The dwelling that a patient or the patient's guardian 69217
considers to be the patient's home; 69218

(b) The dwelling of a relative or other individual who has 69219
agreed to temporarily house the patient following discharge and 69220
who has communicated this fact to hospital staff. 69221

(2) "Patient's residence" does not include any of the	69222
following:	69223
(a) A hospital;	69224
(b) A nursing home, residential care facility, county home,	69225
or district home, as defined in section 3721.01 of the Revised	69226
Code;	69227
(c) A veterans' home operated under Chapter 5907. of the	69228
Revised Code;	69229
(d) A residential facility, as defined in section 5119.34 of	69230
the Revised Code;	69231
(e) A residential facility, as defined in section 5123.19 of	69232
the Revised Code;	69233
(f) A hospice care program, as defined in section 3712.01 of	69234
the Revised Code;	69235
(g) A freestanding inpatient rehabilitation facility licensed	69236
under section 3702.30 of the Revised Code;	69237
(h) Another facility similar to one specified in this	69238
division.	69239
Sec. 3781.112. (A) As used in this section, "secured	69240
facility" means any of the following:	69241
(1) A maternity unit, newborn care nursery, or maternity home	69242
licensed under Chapter 3711. of the Revised Code;	69243
(2) A pediatric intensive care unit subject to rules adopted	69244
by the director of health pursuant to section 3702.11 of the	69245
Revised Code;	69246
(3) A children's hospital, as defined in section 3727.01	69247
<u>hospital licensed under Chapter 3722.</u> of the Revised Code;	69248
(4) A hospital that is licensed under section 5119.33 of the	69249

Revised Code to receive mentally ill persons; 69250

(5) The portion of a nursing home licensed under section 69251
3721.02 of the Revised Code or in accordance with section 3721.09 69252
of the Revised Code in which specialized care is provided to 69253
residents of the nursing home who have physical or mental 69254
conditions that require a resident to be restricted in the 69255
resident's freedom of movement for the health and safety of the 69256
resident, the staff attending the resident, or the general public. 69257

(B) A secured facility may take reasonable steps in 69258
accordance with rules the board of building standards adopts under 69259
division (A) of section 3781.10 of the Revised Code and in 69260
accordance with the state fire code the fire marshal adopts under 69261
section 3737.82 of the Revised Code, to deny egress to confine and 69262
protect patients or residents of the secured facility who are not 69263
capable of self-preservation. A secured facility that wishes to 69264
deny egress to those patients or residents may use delayed-egress 69265
doors and electronically coded doors to deny egress, on the 69266
condition that those doors are installed and used in accordance 69267
with rules the board of building standards adopts under division 69268
(A) of section 3781.10 of the Revised Code and in accordance with 69269
the state fire code the fire marshal adopts under section 3737.82 69270
of the Revised Code. A secured facility also may install 69271
controlled-egress locks, in compliance with rules the board of 69272
building standards adopts under division (A) of section 3781.10 of 69273
the Revised Code and in compliance with the state fire code the 69274
fire marshal adopts under section 3737.82 of the Revised Code, in 69275
areas of the secured facility where patients or residents who have 69276
physical or mental conditions that would endanger the patients or 69277
residents, the staff attending the patients or residents, or the 69278
general public if those patients or residents are not restricted 69279
in their freedom of movement. A secured facility that uses 69280
delayed-egress doors and electronically coded doors, 69281

controlled-egress locks, or both, shall do both of the following: 69282

(1) Provide continuous, twenty-four-hour custodial care to 69283
the patients or residents of the facility; 69284

(2) Establish a system to evacuate patients or residents in 69285
the event of fire or other emergency. 69286

Sec. 3901.40. No insurance company, health insuring 69287
corporation, or self-insurance plan authorized to do business in 69288
this state shall include or provide in its policies or subscriber 69289
agreements for benefit payments or reimbursement for services in 69290
any hospital which is not ~~certified or accredited as provided in~~ 69291
~~division (A) of section 3727.02~~ licensed under Chapter 3722. of 69292
the Revised Code. No hospital located in this state shall charge 69293
any insurance company, health insuring corporation, federal, 69294
state, or local government agency, or person for any services 69295
rendered unless the hospital is ~~certified or accredited as~~ 69296
~~provided in division (A) of section 3727.02~~ licensed under Chapter 69297
3722. of the Revised Code. "Hospital" as used in this section 69298
means only those institutions included within the definition of 69299
that term contained in section 3727.01 of the Revised Code, and 69300
the prohibitions in this section do not apply to facilities 69301
excluded from that definition. 69302

Sec. 3929.67. (A) A medical liability insurance policy that 69303
insures a physician or podiatrist, written by or on behalf of the 69304
medical liability underwriting association pursuant to sections 69305
3929.62 to 3929.70 of the Revised Code, may only be cancelled 69306
during the term of the policy for one of the following reasons: 69307

(1) Nonpayment of premiums; 69308

(2) The license of the insured to practice medicine and 69309
surgery, osteopathic medicine and surgery, or podiatric medicine 69310
and surgery has been suspended or revoked; 69311

(3) The insured's failure to meet minimum eligibility and underwriting standards; 69312
69313

(4) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 69314
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(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 69320
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69322

(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons: 69323
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(1) Nonpayment of premiums; 69328

(2) The hospital is not ~~certified or accredited in accordance with~~ licensed under Chapter ~~3727~~ 3722. of the Revised Code; 69329
69330

(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code; 69331
69332

(4) The insured's failure to meet minimum eligibility and underwriting standards; 69333
69334

(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 69335
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(6) Discovery of fraud or material misrepresentation in the 69341

procurement of insurance or with respect to any claim submitted 69342
thereunder. 69343

Sec. 4723.431. (A)(1) An advanced practice registered nurse 69344
who is designated as a clinical nurse specialist, certified 69345
nurse-midwife, or certified nurse practitioner may practice only 69346
in accordance with a standard care arrangement entered into with 69347
each physician or podiatrist with whom the nurse collaborates. A 69348
copy of the standard care arrangement shall be retained on file by 69349
the nurse's employer. Prior approval of the standard care 69350
arrangement by the board of nursing is not required, but the board 69351
may periodically review it for compliance with this section. 69352

A clinical nurse specialist, certified nurse-midwife, or 69353
certified nurse practitioner may enter into a standard care 69354
arrangement with one or more collaborating physicians or 69355
podiatrists. If a collaborating physician or podiatrist enters 69356
into standard care arrangements with more than five nurses, the 69357
physician or podiatrist shall not collaborate at the same time 69358
with more than five nurses in the prescribing component of their 69359
practices. 69360

Not later than thirty days after first engaging in the 69361
practice of nursing as a clinical nurse specialist, certified 69362
nurse-midwife, or certified nurse practitioner, the nurse shall 69363
submit to the board the name and business address of each 69364
collaborating physician or podiatrist. Thereafter, the nurse shall 69365
notify the board of any additions or deletions to the nurse's 69366
collaborating physicians or podiatrists. Except as provided in 69367
division (D) of this section, the notice must be provided not 69368
later than thirty days after the change takes effect. 69369

(2) All of the following conditions apply with respect to the 69370
practice of a collaborating physician or podiatrist with whom a 69371
clinical nurse specialist, certified nurse-midwife, or certified 69372

nurse practitioner may enter into a standard care arrangement: 69373

(a) The physician or podiatrist must be authorized to 69374
practice in this state. 69375

(b) Except as provided in division (A)(2)(c) of this section, 69376
the physician or podiatrist must be practicing in a specialty that 69377
is the same as or similar to the nurse's nursing specialty. 69378

(c) If the nurse is a clinical nurse specialist who is 69379
certified as a psychiatric-mental health CNS by the American 69380
nurses credentialing center or a certified nurse practitioner who 69381
is certified as a psychiatric-mental health NP by the American 69382
nurses credentialing center, the nurse may enter into a standard 69383
care arrangement with a physician but not a podiatrist and the 69384
collaborating physician must be practicing in one of the following 69385
specialties: 69386

(i) Psychiatry; 69387

(ii) Pediatrics; 69388

(iii) Primary care or family practice. 69389

(B) A standard care arrangement shall be in writing and shall 69390
contain all of the following: 69391

(1) Criteria for referral of a patient by the clinical nurse 69392
specialist, certified nurse-midwife, or certified nurse 69393
practitioner to a collaborating physician or podiatrist or another 69394
physician or podiatrist; 69395

(2) A process for the clinical nurse specialist, certified 69396
nurse-midwife, or certified nurse practitioner to obtain a 69397
consultation with a collaborating physician or podiatrist or 69398
another physician or podiatrist; 69399

(3) A plan for coverage in instances of emergency or planned 69400
absences of either the clinical nurse specialist, certified 69401
nurse-midwife, or certified nurse practitioner or a collaborating 69402

physician or podiatrist that provides the means whereby a 69403
physician or podiatrist is available for emergency care; 69404

(4) The process for resolution of disagreements regarding 69405
matters of patient management between the clinical nurse 69406
specialist, certified nurse-midwife, or certified nurse 69407
practitioner and a collaborating physician or podiatrist; 69408

(5) Any other criteria required by rule of the board adopted 69409
pursuant to section 4723.07 or 4723.50 of the Revised Code. 69410

(C)(1) A standard care arrangement entered into pursuant to 69411
this section may permit a clinical nurse specialist, certified 69412
nurse-midwife, or certified nurse practitioner to supervise 69413
services provided by a home health agency as defined in section 69414
3701.881 of the Revised Code. 69415

(2) A standard care arrangement entered into pursuant to this 69416
section may permit a clinical nurse specialist, certified 69417
nurse-midwife, or certified nurse practitioner to admit a patient 69418
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 69419
~~Code.~~ 69420

(D)(1) Except as provided in division (D)(2) of this section, 69421
if a physician or podiatrist terminates the collaboration between 69422
the physician or podiatrist and a certified nurse-midwife, 69423
certified nurse practitioner, or clinical nurse specialist before 69424
their standard care arrangement expires, all of the following 69425
apply: 69426

(a) The physician or podiatrist must give the nurse written 69427
or electronic notice of the termination. 69428

(b) Once the nurse receives the termination notice, the nurse 69429
must notify the board of nursing of the termination as soon as 69430
practicable by submitting to the board a copy of the physician's 69431
or podiatrist's termination notice. 69432

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

Sec. 4723.481. This section establishes standards and conditions regarding the authority of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to prescribe and personally furnish drugs and therapeutic devices under a license issued under section 4723.42 of the Revised Code.

(A) Except as provided in division (F) of this section, a

clinical nurse specialist, certified nurse-midwife, or certified
nurse practitioner shall not prescribe or furnish any drug or
therapeutic device that is listed on the exclusionary formulary
established in rules adopted under section 4723.50 of the Revised
Code.

(B) The prescriptive authority of a clinical nurse
specialist, certified nurse-midwife, or certified nurse
practitioner shall not exceed the prescriptive authority of the
collaborating physician or podiatrist, including the collaborating
physician's authority to treat chronic pain with controlled
substances and products containing tramadol as described in
section 4731.052 of the Revised Code.

(C)(1) Except as provided in division (C)(2) or (3) of this
section, a clinical nurse specialist, certified nurse-midwife, or
certified nurse practitioner may prescribe to a patient a schedule
II controlled substance only if all of the following are the case:

(a) The patient has a terminal condition, as defined in
section 2133.01 of the Revised Code.

(b) A physician initially prescribed the substance for the
patient.

(c) The prescription is for an amount that does not exceed
the amount necessary for the patient's use in a single,
seventy-two-hour period.

(2) The restrictions on prescriptive authority in division
(C)(1) of this section do not apply if a clinical nurse
specialist, certified nurse-midwife, or certified nurse
practitioner issues the prescription to the patient from any of
the following locations:

(a) A hospital ~~registered under section 3701.07~~ as defined in
section 3722.01 of the Revised Code;

(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	69494 69495 69496
(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	69497 69498 69499
(d) 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;	69500 69501 69502
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	69503 69504 69505
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	69506 69507
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	69508 69509
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	69510 69511
(i) A freestanding birthing center, as defined in section 3702.141 <u>3701.503</u> of the Revised Code;	69512 69513
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	69514 69515
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	69516 69517
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	69518 69519 69520 69521
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are	69522 69523

owners of the practice; the practice is organized to provide 69524
direct patient care; and the clinical nurse specialist, certified 69525
nurse-midwife, or certified nurse practitioner providing services 69526
at the site has a standard care arrangement and collaborates with 69527
at least one of the physician owners who practices primarily at 69528
that site; 69529

(n) A residential care facility, as defined in section 69530
3721.01 of the Revised Code. 69531

(3) A clinical nurse specialist, certified nurse-midwife, or 69532
certified nurse practitioner shall not issue to a patient a 69533
prescription for a schedule II controlled substance from a 69534
convenience care clinic even if the clinic is owned or operated by 69535
an entity specified in division (C)(2) of this section. 69536

(D) A pharmacist who acts in good faith reliance on a 69537
prescription issued by a clinical nurse specialist, certified 69538
nurse-midwife, or certified nurse practitioner under division 69539
(C)(2) of this section is not liable for or subject to any of the 69540
following for relying on the prescription: damages in any civil 69541
action, prosecution in any criminal proceeding, or professional 69542
disciplinary action by the state board of pharmacy under Chapter 69543
4729. of the Revised Code. 69544

(E) A clinical nurse specialist, certified nurse-midwife, or 69545
certified nurse practitioner shall comply with section 3719.061 of 69546
the Revised Code if the nurse prescribes for a minor, as defined 69547
in that section, an opioid analgesic, as defined in section 69548
3719.01 of the Revised Code. 69549

(F) Until the board of nursing establishes a new formulary in 69550
rules adopted under section 4723.50 of the Revised Code, a 69551
clinical nurse specialist, certified nurse-midwife, or certified 69552
nurse practitioner who prescribes or furnishes any drug or 69553
therapeutic device shall do so in accordance with the formulary 69554

established by the board prior to ~~the effective date of this~~ 69555
~~amendment~~ April 6, 2017. 69556

Sec. 4730.411. (A) Except as provided in division (B) or (C) 69557
of this section, a physician assistant may prescribe to a patient 69558
a schedule II controlled substance only if all of the following 69559
are the case: 69560

(1) The patient is in a terminal condition, as defined in 69561
section 2133.01 of the Revised Code. 69562

(2) The physician assistant's supervising physician initially 69563
prescribed the substance for the patient. 69564

(3) The prescription is for an amount that does not exceed 69565
the amount necessary for the patient's use in a single, 69566
twenty-four-hour period. 69567

(B) The restrictions on prescriptive authority in division 69568
(A) of this section do not apply if a physician assistant issues 69569
the prescription to the patient from any of the following 69570
locations: 69571

(1) A hospital ~~registered under section 3701.07~~ as defined in 69572
section 3722.01 of the Revised Code; 69573

(2) An entity owned or controlled, in whole or in part, by a 69574
hospital or by an entity that owns or controls, in whole or in 69575
part, one or more hospitals; 69576

(3) A health care facility operated by the department of 69577
mental health and addiction services or the department of 69578
developmental disabilities; 69579

(4) A nursing home licensed under section 3721.02 of the 69580
Revised Code or by a political subdivision certified under section 69581
3721.09 of the Revised Code; 69582

(5) A county home or district home operated under Chapter 69583

5155. of the Revised Code that is certified under the medicare or 69584
medicaid program; 69585

(6) A hospice care program, as defined in section 3712.01 of 69586
the Revised Code; 69587

(7) A community mental health services provider, as defined 69588
in section 5122.01 of the Revised Code; 69589

(8) An ambulatory surgical facility, as defined in section 69590
3702.30 of the Revised Code; 69591

(9) A freestanding birthing center, as defined in section 69592
~~3702.141~~ 3701.503 of the Revised Code; 69593

(10) A federally qualified health center, as defined in 69594
section 3701.047 of the Revised Code; 69595

(11) A federally qualified health center look-alike, as 69596
defined in section 3701.047 of the Revised Code; 69597

(12) A health care office or facility operated by the board 69598
of health of a city or general health district or the authority 69599
having the duties of a board of health under section 3709.05 of 69600
the Revised Code; 69601

(13) A site where a medical practice is operated, but only if 69602
the practice is comprised of one or more physicians who also are 69603
owners of the practice; the practice is organized to provide 69604
direct patient care; and the physician assistant has entered into 69605
a supervisory agreement with at least one of the physician owners 69606
who practices primarily at that site. 69607

(C) A physician assistant shall not issue to a patient a 69608
prescription for a schedule II controlled substance from a 69609
convenience care clinic even if the convenience care clinic is 69610
owned or operated by an entity specified in division (B) of this 69611
section. 69612

(D) A pharmacist who acts in good faith reliance on a 69613

prescription issued by a physician assistant under division (B) of 69614
this section is not liable for or subject to any of the following 69615
for relying on the prescription: damages in any civil action, 69616
prosecution in any criminal proceeding, or professional 69617
disciplinary action by the state board of pharmacy under Chapter 69618
4729. of the Revised Code. 69619

Sec. 4731.31. (A) As used in this section: 69620

(1) "Rural hospital" means a hospital agency, as defined in 69621
section 140.01 of the Revised Code, that meets all of the 69622
following criteria: 69623

(a) Is in compliance with ~~section 3727.02 of the Revised Code~~ 69624
~~and the registration requirement of division (A) of section~~ 69625
~~3701.07 Chapter 3722.~~ of the Revised Code; 69626

(b) Is located in a county that has a population of less than 69627
one hundred twenty-five thousand. 69628

(2) "Physician" means an individual authorized under Chapter 69629
4731. of the Revised Code to practice medicine and surgery, 69630
osteopathic medicine and surgery, or podiatric medicine and 69631
surgery. 69632

(B) Subject to division (C) of this section, a rural hospital 69633
or a health care facility that is owned or operated by a rural 69634
hospital may employ a physician. A hospital or facility that 69635
employs a physician in accordance with this section is not engaged 69636
in the practice of medicine and surgery, osteopathic medicine and 69637
surgery, or podiatric medicine and surgery in violation of section 69638
4731.41, 4731.43, or 4731.60 of the Revised Code. 69639

(C) No rural hospital or health care facility owned or 69640
operated by a rural hospital shall do either of the following: 69641

(1) Control the professional clinical judgment exercised 69642
within accepted and prevailing standards of practice of a 69643

physician employed pursuant to this section in rendering care, 69644
treatment, or professional advice to an individual patient; 69645

(2) Require that a physician be employed by the hospital or 69646
facility as a condition of granting the physician privileges to 69647
practice within the hospital or facility. 69648

Sec. 4761.01. As used in this chapter: 69649

(A) "Respiratory care" means rendering or offering to render 69650
to individuals, groups, organizations, or the public any service 69651
involving the evaluation of cardiopulmonary function, the 69652
treatment of cardiopulmonary impairment, the assessment of 69653
treatment effectiveness, and the care of patients with 69654
deficiencies and abnormalities associated with the cardiopulmonary 69655
system. The practice of respiratory care includes: 69656

(1) Obtaining, analyzing, testing, measuring, and monitoring 69657
blood and gas samples in the determination of cardiopulmonary 69658
parameters and related physiologic data, including flows, 69659
pressures, and volumes, and the use of equipment employed for this 69660
purpose; 69661

(2) Administering, monitoring, recording the results of, and 69662
instructing in the use of medical gases, aerosols, and 69663
bronchopulmonary hygiene techniques, including drainage, 69664
aspiration, and sampling, and applying, maintaining, and 69665
instructing in the use of artificial airways, ventilators, and 69666
other life support equipment employed in the treatment of 69667
cardiopulmonary impairment and provided in collaboration with 69668
other licensed health care professionals responsible for providing 69669
care; 69670

(3) Performing cardiopulmonary resuscitation and respiratory 69671
rehabilitation techniques; 69672

(4) Administering medications for the testing or treatment of 69673

cardiopulmonary impairment. 69674

(B) "Respiratory care professional" means a person who is 69675
licensed under this chapter to practice the full range of services 69676
described in division (A) of this section. 69677

(C) "Physician" means an individual authorized under Chapter 69678
4731. of the Revised Code to practice medicine and surgery or 69679
osteopathic medicine and surgery. 69680

(D) "Registered nurse" means an individual licensed under 69681
Chapter 4723. of the Revised Code to engage in the practice of 69682
nursing as a registered nurse. 69683

(E) "Hospital" ~~means a facility that meets the operating~~ 69684
~~standards of section 3727.02~~ has the same meaning as in section 69685
3722.01 of the Revised Code. 69686

(F) "Nursing facility" has the same meaning as in section 69687
5165.01 of the Revised Code. 69688

(G) "Advanced practice registered nurse" has the same meaning 69689
as in section 4723.01 of the Revised Code. 69690

(H) "Physician assistant" means an individual who holds a 69691
valid license to practice as a physician assistant issued under 69692
Chapter 4730. of the Revised Code. 69693

Section 130.11. That existing sections 111.15, 140.01, 69694
3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 69695
3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 69696
3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 69697
3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 69698
3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 69699
4761.01 are hereby repealed. 69700

Section 130.12. That sections 3702.11, 3702.12, 3702.13, 69701
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 69702

3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, and 69703
3727.99 of the Revised Code are hereby repealed. 69704

Section 130.13. (A) The amendment and repeal of Revised Code 69705
sections by Sections 130.10, 130.11, and 130.12 of this act take 69706
effect on the date that is three years after the effective date of 69707
this section. 69708

(B) The enactment of sections 3722.01, 3722.02, 3722.03, 69709
3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 69710
3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised 69711
Code by Section 130.10 of this act takes effect on the effective 69712
date of this section. 69713

Section 130.14. (A) Not later than the date that is three 69714
years from the effective date of this section, each hospital shall 69715
comply with the requirements for initial licensure as established 69716
under Chapter 3722. of the Revised Code and rules adopted under it 69717
by the director of health. As each hospital is licensed, the 69718
director of health, or designee, shall assign the hospital to one 69719
of three licensure groups. The first group shall renew its license 69720
at the end of the first year. The second group shall renew its 69721
license at the end of the second year. The third group shall renew 69722
its license at the end of the third year. 69723

(B)(1) All initial licenses issued shall contain the renewal 69724
date according to division (A) of this section. Each hospital 69725
shall renew by the renewal date, meet the renewal application 69726
requirements established in rule, and pay the fee as set forth in 69727
division (B)(2) of this section. 69728

(2) Each hospital that renews its license in the first year 69729
shall pay a renewal fee that is one-third of the renewal fee 69730
established in rules adopted by the director of health. Each 69731
hospital that renews its license in the second year shall pay a 69732

renewal fee that is two-thirds of the renewal fee established in 69733
rules adopted by the director of health. Each hospital that renews 69734
its license in the third year shall pay the renewal fee as 69735
established in rules adopted by the director of health. 69736

(3) Each renewal license issued under this section shall be 69737
valid for three years such that each year thereafter one-third of 69738
hospitals will renew their licenses. 69739

(C) Renewal licenses issued under division (B) of this 69740
section shall be renewed following the renewal procedure set forth 69741
in rule, including payment of the renewal fee. 69742

Section 201.10. Except as otherwise provided in this act, all 69743
appropriation items in this act are appropriated out of any moneys 69744
in the state treasury to the credit of the designated fund that 69745
are not otherwise appropriated. For all appropriations made in 69746
this act, the amounts in the first column are for fiscal year 2022 69747
and the amounts in the second column are for fiscal year 2023. 69748
69749

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 69750

Dedicated Purpose Fund Group				69751
4J80	889601	CPA Education	\$ 525,000 \$ 525,000	69752
Assistance				
4K90	889609	Operating Expenses	\$ 1,244,124 \$ 1,291,139	69753
TOTAL DPF Dedicated Purpose Fund				69754
Group				
			\$ 1,769,124 \$ 1,816,139	69755
TOTAL ALL BUDGET FUND GROUPS				69756
			\$ 1,769,124 \$ 1,816,139	

Section 205.10. ADJ ADJUTANT GENERAL 69758

General Revenue Fund				69759
GRF	745401	Ohio Military Reserve	\$ 9,500 \$ 9,800	69760
GRF	745404	Air National Guard	\$ 1,750,000 \$ 1,811,250	69761

GRF	745407	National Guard	\$	174,000	\$	174,000	69762
		Benefits					
GRF	745409	Central	\$	2,940,167	\$	3,025,550	69763
		Administration					
GRF	745499	Army National Guard	\$	3,600,000	\$	3,726,000	69764
GRF	745503	Ohio Cyber Reserve	\$	750,000	\$	750,000	69765
GRF	745504	Ohio Cyber Range	\$	2,100,000	\$	2,100,000	69766
GRF	745505	State Active Duty	\$	50,000	\$	50,000	69767
TOTAL GRF		General Revenue Fund	\$	11,373,667	\$	11,646,600	69768
Dedicated Purpose Fund Group							69769
5340	745612	Property Operations	\$	900,000	\$	900,000	69770
		Management					
5360	745605	Marksmanship	\$	115,000	\$	115,000	69771
		Activities					
5360	745620	Camp Perry and	\$	874,055	\$	874,055	69772
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	190,000	\$	190,000	69773
		Facilities					
		Maintenance					
5CV1	745632	Coronavirus Relief -	\$	1,000,000	\$	0	69774
		ADJ					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	69775
		Distinction					
5U80	745613	Community Match	\$	350,000	\$	350,000	69776
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	3,434,055	\$	2,434,055	69777
Group							
Federal Fund Group							69778
3420	745616	Army National Guard	\$	26,252,590	\$	26,636,202	69779
		Service Agreement					
3E80	745628	Air National Guard	\$	14,476,985	\$	14,881,509	69780

	Operations and Maintenance				
3R80 745603	Counter Drug	\$	15,000	\$	15,382 69781
	Operations				
TOTAL FED	Federal Fund Group	\$	40,744,575	\$	41,533,093 69782
TOTAL ALL BUDGET	FUND GROUPS	\$	55,552,297	\$	55,613,748 69783

Section 205.20. NATIONAL GUARD BENEFITS 69785

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 69786
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 69790
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy. 69799
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OHIO CYBER RESERVE 69804

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state 69805
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government, critical infrastructure, and the citizens of this 69810
state from cyberattacks and incidences under sections 5922.01, 69811
5922.02, and 5922.08 of the Revised Code. 69812

OHIO CYBER RANGE 69813

The foregoing appropriation item 745504, Ohio Cyber Range, 69814
shall be used for purposes of providing cyber training and 69815
education to K-12 students, higher education students, members of 69816
the Ohio National Guard, federal employees, and state and local 69817
government employees, and provide for emergency preparedness 69818
exercises and trainings. 69819

The Adjutant General's Department, in conjunction and 69820
collaboration with the Department of Administrative Services, the 69821
Department of Public Safety, the Department of Higher Education, 69822
and the Department of Education shall establish and maintain a 69823
cyber range. The Adjutant General's Department may work with 69824
federal agencies to assist in accomplishing this objective. The 69825
state agencies identified in this paragraph may procure any 69826
necessary goods and services including, but not limited to, 69827
contracted services, hardware, networking services, maintenance 69828
costs, and the training and management costs of a cyber range. 69829
These state agencies shall determine the amount of funds each 69830
agency will contribute from available funds and appropriations 69831
enacted herein in order to establish and maintain a cyber range. 69832

Of the foregoing appropriation item 745504, Ohio Cyber Range, 69833
up to \$2,100,000 in each fiscal year shall be used by the Adjutant 69834
General's Department for the purposes of establishing and 69835
maintaining the cyber range. 69836

STATE ACTIVE DUTY 69837

Of the foregoing appropriation item 745505, State Active 69838
Duty, \$50,000 in each fiscal year shall be used for the purpose of 69839
paying expenses related to state active duty of members of the 69840

Ohio organized militia, in accordance with a proclamation or order 69841
of the Governor. Expenses include, but are not limited to, cost of 69842
equipment, supplies, and services, as determined by the Adjutant 69843
General. 69844

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 69845

General Revenue Fund 69846

GRF 100412 Unemployment Insurance \$ 1,550,000 \$ 1,560,000 69847

System Lease Rental

Payments

GRF 100413 EDCS Lease Rental \$ 13,280,000 \$ 13,275,000 69848

Payments

GRF 100414 MARCS Lease Rental \$ 6,770,000 \$ 6,770,000 69849

Payments

GRF 100415 OAKS Lease Rental \$ 2,450,000 \$ 2,450,000 69850

Payments

GRF 100416 STARS Lease Rental \$ 5,000,000 \$ 5,000,000 69851

Payments

GRF 100447 Administrative \$ 88,000,000 \$ 85,000,000 69852

Buildings Lease Rental

Bond Payments

GRF 100456 State IT Services \$ 1,413,165 \$ 1,424,551 69853

GRF 100459 Ohio Business Gateway \$ 13,527,621 \$ 13,527,621 69854

GRF 100469 Aronoff Center \$ 222,121 \$ 222,121 69855

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,500,000 \$ 1,500,000 69856

GRF 100504 Central Warehouse \$ 3,789,000 \$ 9,955,000 69857

GRF 130321 State Agency Support \$ 49,748,264 \$ 25,474,994 69858

Services

TOTAL GRF General Revenue Fund \$ 187,250,171 \$ 166,159,287 69859

Dedicated Purpose Fund Group 69860

5CV1 100671 Coronavirus Relief - \$ 6,000,000 \$ 0 69861

		DAS					
5L70	100610	Professional	\$	1,650,000	\$	1,650,000	69862
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000	69863
		Maintenance					
5NM0	100663	911 Program	\$	586,070	\$	599,969	69864
5V60	100619	Employee Educational	\$	1,500,000	\$	1,600,000	69865
		Development					
TOTAL	DPF	Dedicated Purpose Fund	\$	9,786,070	\$	3,899,969	69866
Group							
Internal Service Activity Fund Group							69867
1120	100616	DAS Administration	\$	13,253,998	\$	13,700,502	69868
1150	100632	Central Service Agency	\$	989,973	\$	1,013,812	69869
1170	100644	General Services	\$	25,686,811	\$	25,866,307	69870
		Division - Operating					
1220	100637	Fleet Management	\$	26,492,047	\$	28,792,538	69871
1250	100622	Human Resources	\$	18,718,045	\$	19,178,890	69872
		Division - Operating					
1250	100657	Benefits Communication	\$	615,521	\$	615,521	69873
1280	100620	Office of Collective	\$	4,385,893	\$	4,385,893	69874
		Bargaining					
1300	100606	Risk Management	\$	17,904,121	\$	19,381,381	69875
		Reserve					
1320	100631	DAS Building	\$	53,043,664	\$	53,323,205	69876
		Management					
1330	100607	IT Services Delivery	\$	168,044,912	\$	173,182,510	69877
2100	100612	State Printing	\$	29,507,055	\$	28,719,641	69878
2290	100630	IT Governance	\$	30,073,302	\$	32,179,505	69879
2290	100640	Consolidated IT	\$	15,351,924	\$	15,351,924	69880
		Purchases					
4270	100602	Investment Recovery	\$	1,664,257	\$	1,679,401	69881
4N60	100617	Major IT Purchases	\$	2,800,000	\$	2,800,000	69882
5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138	69883

5EB0 100635	OAKS Support Organization	\$ 58,738,136	\$ 58,434,886	69884
5EB0 100656	OAKS Updates and Developments	\$ 6,064,809	\$ 6,146,812	69885
5JQ0 100658	Professionals Licensing System	\$ 4,989,466	\$ 5,111,024	69886
5KZ0 100659	Building Improvement	\$ 1,675,000	\$ 2,160,000	69887
5LJ0 100661	IT Development	\$ 19,000,000	\$ 16,500,000	69888
5PC0 100665	Enterprise Applications	\$ 10,038,838	\$ 10,601,983	69889
5WU0 100672	Ohio Benefits	\$ 154,119,471	\$ 154,276,578	69890
TOTAL ISA	Internal Service Activity	\$		69891
Fund Group		\$ 692,203,040	\$ 704,284,451	69892
Fiduciary Fund Group				69893
5UH0 100670	Enterprise Transactions	\$ 1,150,000	\$ 1,150,000	69894
TOTAL FID	Fiduciary Fund Group	\$ 1,150,000	\$ 1,150,000	69895
Federal Fund Group				69896
3AJ0 100623	Information Technology Grants	\$ 10,000	\$ 10,000	69897
TOTAL FED	Federal Fund Group	\$ 10,000	\$ 10,000	69898
TOTAL ALL BUDGET FUND GROUPS		\$ 890,399,281	\$ 875,503,707	69899

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 69901
PAYMENTS 69902

The foregoing appropriation item 100412, Unemployment 69903
Insurance System Lease Rental Payments, shall be used to make 69904
payments during the period from July 1, 2021, through June 30, 69905
2023, pursuant to leases and agreements entered into under Chapter 69906
125. of the Revised Code, as supplemented by Section 701.40 of 69907
H.B. 529 of the 132nd General Assembly, with respect to financing 69908
the costs associated with the acquisition, development, 69909

implementation, and integration of the Unemployment Insurance System. 69910
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EDCS LEASE RENTAL PAYMENTS 69912

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative. 69913
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MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 69924

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade. 69925
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OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 69934

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with 69935
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respect to financing the costs associated with the acquisition, 69941
development, implementation, and integration of the Ohio 69942
Administrative Knowledge System (OAKS). 69943

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 69944
PAYMENTS 69945

The foregoing appropriation item 100416, STARS Lease Rental 69946
Payments, shall be used to make payments during the period from 69947
July 1, 2021, through June 30, 2023, pursuant to leases and 69948
agreements entered into under Chapter 125. of the Revised Code, as 69949
supplemented by Section 701.30 of H.B. 529 of the 132nd General 69950
Assembly and other prior acts of the General Assembly, with 69951
respect to financing the costs associated with the acquisition, 69952
development, implementation, and integration of the State Taxation 69953
Accounting and Revenue System (STARS). 69954

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 69955

The foregoing appropriation item 100447, Administrative 69956
Buildings Lease Rental Bond Payments, shall be used to meet all 69957
payments during the period from July 1, 2021, through June 30, 69958
2023, by the Department of Administrative Services pursuant to 69959
leases and agreements under Chapters 152. and 154. of the Revised 69960
Code. These appropriations are the source of funds pledged for 69961
bond service charges on related obligations issued under Chapters 69962
152. and 154. of the Revised Code. 69963

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 69964

The Director of Administrative Services, in consultation with 69965
the Multi-Agency Radio Communication System (MARCS) Steering 69966
Committee and the Director of Budget and Management, shall 69967
determine the share of debt service payments attributable to 69968
spending for MARCS components that are not specific to any one 69969
agency and that shall be charged to the Public Safety - Highway 69970
Purposes Fund (Fund 5TM0). Such share of debt service payments 69971

shall be calculated for MARCS capital disbursements made beginning 69972
July 1, 1997. Within thirty days of any payment made from 69973
appropriation item 100447, Administrative Buildings Lease Rental 69974
Bond Payments, the Director of Administrative Services shall 69975
certify to the Director of Budget and Management the amount of 69976
this share. On or before June 30 of each fiscal year, the Director 69977
of Budget and Management may transfer an amount up to the amount 69978
certified for that fiscal year to the General Revenue Fund from 69979
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 69980
in section 4501.06 of the Revised Code. 69981

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 69982
FUND 69983

The foregoing appropriation item 130321, State Agency Support 69984
Services, may be used to provide funding for the cost of property 69985
appraisals or building studies that the Department of 69986
Administrative Services may be required to obtain for property 69987
that is being sold by the state or property under consideration to 69988
be renovated or purchased by the state. 69989

Notwithstanding section 125.28 of the Revised Code, the 69990
foregoing appropriation item 130321, State Agency Support 69991
Services, also may be used to pay the operating expenses of state 69992
facilities maintained by the Department of Administrative Services 69993
that are not billed to building tenants, or other costs associated 69994
with the Voinovich Center in Youngstown, Ohio. These expenses may 69995
include, but are not limited to, the costs for vacant space and 69996
space undergoing renovation, and the rent expenses of tenants that 69997
are relocated because of building renovations. These payments may 69998
be processed by the Department of Administrative Services through 69999
intrastate transfer vouchers and placed into the Building 70000
Management Fund (Fund 1320). 70001

At least once per year, the portion of appropriation item 70002
130321, State Agency Support Services, that is not used for the 70003

regular expenses of the appropriation item may be processed by the 70004
Department of Administrative Services through intrastate transfer 70005
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 70006

Of the foregoing appropriation item 130321, State Agency 70007
Support Services, up to \$25,000,000 in fiscal year 2022 shall be 70008
used by the Department of Administrative Services, in coordination 70009
with the Department of Health, to support and or procure a 70010
comprehensive and integrated technology solution to align data 70011
systems and records and streamline timely data to improve and 70012
enhance disease reporting and healthcare delivery across the 70013
state. The system shall be developed with input from the 70014
Departments of Mental Health and Addiction Services, Job and 70015
Family Services, Medicaid, and other state agencies, boards, and 70016
commissions to ensure cross-agency system integration. On July 1, 70017
2022, or as soon as possible thereafter, the Director of 70018
Administrative Services may certify to the Director of Budget and 70019
Management an amount up to the unexpended, unencumbered balance of 70020
the foregoing appropriation item 130321, State Agency Support 70021
Services, at the end of fiscal year 2022 to be reappropriated to 70022
fiscal year 2023. The amount certified is hereby reappropriated to 70023
the same appropriation item for fiscal year 2023. 70024

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 70025

Upon the request of the Director of Administrative Services, 70026
the Director of Budget and Management may transfer unobligated 70027
cash in the MARCS Administration Fund (Fund 5C20) to the General 70028
Revenue Fund to reimburse the General Revenue Fund for lease 70029
rental payments made on behalf of the MARCS upgrade. 70030

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 70031

The foregoing appropriation item 100610, Professional 70032
Development, shall be used to make payments from the Professional 70033
Development Fund (Fund 5L70) under section 124.182 of the Revised 70034

Code. If it is determined by the Director of Budget and Management 70035
that additional amounts are necessary, the amounts are hereby 70036
appropriated. 70037

911 PROGRAM 70038

The foregoing appropriation item 100663, 911 Program, shall 70039
be used by the Department of Administrative Services to pay the 70040
administrative, marketing, and educational costs of the Statewide 70041
Emergency Services Internet Protocol Network program. 70042

EMPLOYEE EDUCATIONAL DEVELOPMENT 70043

The foregoing appropriation item 100619, Employee Educational 70044
Development, shall be used to make payments from the Employee 70045
Educational Development Fund (Fund 5V60) under section 124.86 of 70046
the Revised Code. The fund shall be used to pay the costs of 70047
administering educational programs under existing collective 70048
bargaining agreements with District 1199, the Health Care and 70049
Social Service Union, Service Employees International Union; State 70050
Council of Professional Educators; Ohio Education Association and 70051
National Education Association; the Fraternal Order of Police 70052
State of Ohio, Unit 2 Association; and the Ohio State Troopers 70053
Association, Units 1 and 15. 70054

If it is determined by the Director of Budget and Management 70055
that additional amounts are necessary, the amounts are hereby 70056
appropriated. 70057

Section 207.40. GENERAL SERVICE CHARGES 70058

The Department of Administrative Services, with the approval 70059
of the Director of Budget and Management, shall establish charges 70060
for recovering the costs of administering the programs funded by 70061
the General Services Fund (Fund 1170) and the State Printing Fund 70062
(Fund 2100). 70063

COLLECTIVE BARGAINING ARBITRATION EXPENSES 70064

The Department of Administrative Services may seek 70065
reimbursement from state agencies for the actual costs and 70066
expenses the Department incurs in the collective bargaining 70067
arbitration process. The reimbursements shall be processed through 70068
intrastate transfer vouchers and credited to the Collective 70069
Bargaining Fund (Fund 1280). 70070

CONSOLIDATED IT PURCHASES 70071

The foregoing appropriation item 100640, Consolidated IT 70072
Purchases, shall be used by the Department of Administrative 70073
Services acting as the purchasing agent for one or more government 70074
entities under the authority of division (G) of section 125.18 of 70075
the Revised Code to make information technology purchases at a 70076
lower aggregate cost than each individual government entity could 70077
have obtained independently for that information technology 70078
purchase. 70079

INVESTMENT RECOVERY FUND 70080

Notwithstanding division (B) of section 125.14 of the Revised 70081
Code, cash balances in the Investment Recovery Fund (Fund 4270) 70082
may be used to support the operating expenses of the Federal 70083
Surplus Operating Program created in sections 125.84 to 125.90 of 70084
the Revised Code. 70085

MAJOR IT PURCHASES CHARGES 70086

Upon the request of the Director of Administrative Services, 70087
the Director of Budget and Management may transfer up to the 70088
amount collected for statewide indirect costs attributable to debt 70089
service paid for the enterprise data center solutions project from 70090
the General Revenue Fund to the Major Information Technology 70091
Purchases Fund (Fund 4N60). 70092

PROFESSIONS LICENSING SYSTEM 70093

The foregoing appropriation item, 100658, Ohio Professionals 70094

Licensing System, shall be used to purchase the equipment, 70095
products, and services necessary to update and maintain an 70096
automated licensing system for the professional licensing boards. 70097

The Department of Administrative Services shall establish 70098
charges for recovering the costs of ongoing maintenance of the 70099
system that are not otherwise recovered under section 125.18 of 70100
the Revised Code. The charges shall be billed to state agencies, 70101
boards, and commissions using the state's enterprise electronic 70102
licensing system and deposited via intrastate transfer vouchers to 70103
the credit of the Professions Licensing System Fund (Fund 5JQ0). 70104

Section 207.45. BUILDING IMPROVEMENT FUND 70105

The foregoing appropriation item 100659, Building 70106
Improvement, shall be used to make payments from the Building 70107
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 70108
required in facilities maintained by the Department of 70109
Administrative Services. The Department of Administrative Services 70110
shall conduct or contract for regular assessments of these 70111
buildings and may maintain a cash balance in Fund 5KZ0 equal to 70112
the cost of the repairs and improvements that are recommended to 70113
occur within the next five years, with the following exception 70114
described below. 70115

Upon request of the Director of Administrative Services, the 70116
Director of Budget and Management may permit a cash transfer from 70117
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 70118
of operating and maintaining facilities managed by the Department 70119
of Administrative Services that are not charged to tenants during 70120
the same fiscal year. 70121

Should the cash balance in Fund 1320 be determined to be 70122
sufficient, the Director of Administrative Services may request 70123
that the Director of Budget and Management transfer cash from Fund 70124
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 70125

made under this section plus applicable interest. 70126

INFORMATION TECHNOLOGY DEVELOPMENT 70127

The foregoing appropriation item 100661, IT Development, 70128
shall be used by the Department of Administrative Services to pay 70129
the costs of modernizing the state's information technology 70130
management and investment practices away from a limited, 70131
agency-specific focus in favor of a statewide methodology 70132
supporting development of enterprise solutions. This appropriation 70133
item may be used to pay the costs of enterprise information 70134
technology initiatives affecting state agencies or their 70135
customers. 70136

Notwithstanding any provision of law to the contrary, the 70137
Department of Administrative Services, with the approval of the 70138
Director of Budget and Management, may charge state agencies an 70139
information technology development assessment based on state 70140
agencies' information technology expenditures or other methodology 70141
and may assess fees or charges to entities that are not state 70142
agencies to offset the cost of specific technology events or 70143
services. The revenue from these assessments, fees, or charges 70144
shall be deposited into the Information Technology Development 70145
Fund (Fund 5LJ0), which is hereby created. 70146

Upon the request of the Director of Administrative Services, 70147
the Director of Budget and Management may transfer up to 70148
\$6,000,000 in cash in each fiscal year from the General Revenue 70149
Fund to the Information Technology Development Fund (Fund 5LJ0) to 70150
support the operations of the Office of InnovateOhio. 70151

Of the foregoing appropriation item 100661, IT Development, 70152
\$250,000 in fiscal year 2022 shall be used by the Office of 70153
InnovateOhio to support the web-based liquor permit project under 70154
the Department of Commerce. 70155

STATE EEO FUND 70156

Effective July 1, 2021, the Director of Budget and Management 70157
shall cancel any existing encumbrances against appropriation item 70158
100649, Equal Opportunity Division - Operating, and reestablish 70159
them against appropriation item 100622, Human Resources Division - 70160
Operating. The reestablished encumbrance amounts are hereby 70161
appropriated. Any business commenced but not completed under 70162
appropriation item 100649, Equal Opportunity Division - Operating, 70163
by July 1, 2021, shall be completed under appropriation item 70164
100622, Human Resources Division - Operating, in the same manner, 70165
and with the same effect, as if completed with regard to 70166
appropriation item 100649, Equal Opportunity Division - Operating. 70167

The Director of Budget and Management shall transfer the 70168
amount of cash in the State EEO Fund (Fund 1880) that was received 70169
from agencies for actual expenditures deposited to the credit of 70170
the State EEO Fund (Fund 1880) into the Human Resources Services 70171
Fund (Fund 1250). In order to facilitate this transfer, the 70172
Director of Administrative Services, on July 1, 2021, or as soon 70173
as possible thereafter, shall certify to the Director of Budget 70174
and Management the amount to be transferred. 70175

ENTERPRISE APPLICATIONS 70176

The foregoing appropriation item 100665, Enterprise 70177
Applications, shall be used for the operation and management of 70178
information technology applications that support state agencies' 70179
objectives. Charges billed to benefiting agencies shall be 70180
deposited to the credit of the Enterprise Applications Fund (Fund 70181
5PC0). 70182

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 70183

The Director of Administrative Services shall determine and 70184
implement strategies that benefit the enterprise by improving 70185
efficiency, reducing costs, or enhancing capacity of information 70186
technology (IT) services. Such improvements and efficiencies may 70187

result in the consolidation and transfer of such services. As 70188
determined to be necessary for successful implementation of this 70189
section and notwithstanding any provision of law to the contrary, 70190
the Director of Administrative Services may request the Director 70191
of Budget and Management to consolidate or transfer IT-specific 70192
budget authority between agencies or within an agency as necessary 70193
to implement enterprise IT cost containment strategies and related 70194
efficiencies. Once the Director of Budget and Management is 70195
satisfied that the proposed initiative is cost advantageous to the 70196
enterprise, the Director of Budget and Management may transfer 70197
appropriations, funds, and cash as needed to implement the 70198
proposed initiative. The establishment of any new fund or 70199
additional appropriation as a result of this section shall be 70200
subject to Controlling Board approval. 70201

The Director of Budget and Management and the Director of 70202
Administrative Services may transfer any employees, assets, and 70203
liabilities, including, but not limited to, records, contracts, 70204
and agreements in order to facilitate the improvements determined 70205
in accordance with this section. 70206

Section 209.10. AGE DEPARTMENT OF AGING 70207

General Revenue Fund 70208

GRF	490321	Operating Expenses	\$	1,724,070	\$	1,745,504	70209
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GRF	490410	Long-Term Care	\$	3,112,901	\$	3,112,901	70210
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Ombudsman

GRF	490411	Senior Community	\$	8,723,995	\$	8,662,042	70211
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Services

GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245	70212
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Dementia Respite

GRF	490506	National Senior	\$	222,792	\$	222,792	70213
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Service Corps

GRF	656423	Long-Term Care Budget	\$	5,154,308	\$	5,194,827	70214
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TOTAL GRF General Revenue Fund	\$	21,433,311	\$	21,433,311	70215
Dedicated Purpose Fund Group					70216
4800 490606 Senior Community Outreach and Education	\$	385,964	\$	380,761	70217
4C40 490609 Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	70218
5BA0 490620 Ombudsman Support	\$	1,532,273	\$	1,532,919	70219
5K90 490613 Long-Term Care Consumers Guide	\$	401,640	\$	1,427,072	70220
5MT0 490627 Board of Executives of Long-Term Services and Supports	\$	750,838	\$	761,056	70221
5T40 656625 Health Care Grants - State	\$	200,000	\$	200,000	70222
5TI0 656624 Provider Certification	\$	120,000	\$	120,000	70223
5W10 490616 Resident Services Coordinator Program	\$	344,934	\$	345,050	70224
5XT0 490628 At Home Technology Pilot Program	\$	250,000	\$	250,000	70225
TOTAL DPF Dedicated Purpose Fund Group	\$	4,985,649	\$	6,016,858	70226
Federal Fund Group					70227
3220 490618 Federal Aging Grants	\$	9,435,514	\$	8,860,830	70228
3C40 656623 Long Term Care Budget - Federal	\$	4,790,982	\$	4,839,274	70229
3M40 490612 Federal Independence Services	\$	62,630,274	\$	57,726,103	70230
TOTAL FED Federal Fund Group	\$	76,856,770	\$	71,426,207	70231

TOTAL ALL BUDGET FUND GROUPS \$ 103,275,730 \$ 98,876,376 70233

Section 209.20. LONG-TERM CARE 70235

 Pursuant to an interagency agreement, the Department of 70236
Medicaid may designate the Department of Aging to perform 70237
assessments under section 5165.04 of the Revised Code. The 70238
Department of Aging shall provide long-term care consultations 70239
under section 173.42 of the Revised Code to assist individuals in 70240
planning for their long-term health care needs. 70241

 The Department of Aging shall administer the Medicaid 70242
waiver-funded PASSPORT Home Care Program, the Assisted Living 70243
Program, and PACE as delegated by the Department of Medicaid in an 70244
interagency agreement. 70245

PERFORMANCE-BASED REIMBURSEMENT 70246

 In order to improve health outcomes among populations served 70247
by PASSPORT administrative agencies, the Department of Aging, 70248
through rules adopted in accordance with Chapter 119. of the 70249
Revised Code, may design and utilize a payment method for PASSPORT 70250
administrative agency operations that includes a 70251
pay-for-performance incentive component that is earned by a 70252
PASSPORT administrative agency when defined consumer and policy 70253
outcomes are achieved. Prior to filing with the Joint Committee on 70254
Agency Rule Review, as provided in section 119.03 of the Revised 70255
Code, a proposed rule related to a payment method that includes a 70256
pay-for-performance incentive component, the Department shall 70257
submit a report to the Joint Medicaid Oversight Committee 70258
outlining the payment method. 70259

Section 209.30. MYCARE OHIO 70260

 The authority of the Office of the State Long-Term Care 70261
Ombudsman as described in sections 173.14 to 173.28 of the Revised 70262
Code extends to MyCare Ohio during the period of the federal 70263

financial alignment demonstration program. 70264

SENIOR COMMUNITY SERVICES 70265

The foregoing appropriation item 490411, Senior Community 70266
Services, may be used for programs, services, and activities 70267
designated by the Department of Aging, including, but not limited 70268
to, home-delivered meals, congregate dining, transportation, 70269
personal care, respite, adult day services, home maintenance and 70270
chores, minor home modification, care coordination, evidence-based 70271
disease prevention and health promotion, and decision support 70272
systems. Funds may also be used to provide grants to community 70273
organizations to support and expand older adult programming. 70274
Services priority shall be given to low-income, high-need persons, 70275
and/or persons with a cognitive impairment who are sixty years of 70276
age or over. 70277

NATIONAL SENIOR SERVICE CORPS 70278

The foregoing appropriation item 490506, National Senior 70279
Service Corps, may be used by the Department of Aging to fund 70280
grants to organizations that receive federal funds from the 70281
Corporation for National and Community Service to support the 70282
following Senior Corps programs: the Foster Grandparents Program, 70283
the Senior Companion Program, and the Retired Senior Volunteer 70284
Program. A recipient of these grant funds shall use the funds to 70285
support priorities established by the Department and the Ohio 70286
State Office of the Corporation for National and Community 70287
Service. Neither the Department nor any area agencies on aging 70288
that are involved in the distribution of these funds to 70289
lower-tiered grant recipients may use any portion of these funds 70290
to cover administrative costs. 70291

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 70292

The foregoing appropriation item 490627, Board of Executives 70293
of Long-Term Services and Supports, may be used by the Board of 70294

Executives of Long-Term Services and Supports to administer and 70295
enforce Chapter 4751. of the Revised Code and rules adopted under 70296
it. 70297

Section 209.40. AT HOME TECHNOLOGY PILOT PROGRAM 70298

(A) During fiscal year 2022 and fiscal year 2023, the 70299
Department of Aging shall operate an At Home Technology Pilot 70300
Program under which the Department awards grants to service 70301
providers for the purpose of initiating or enhancing the 70302
providers' utilization of remote monitoring technologies that 70303
assist older adults in their ability to continue residing in their 70304
homes, residential care facilities, or other community-based 70305
settings. Examples of such technologies include those that do any 70306
of the following: 70307

(1) Actively monitor vital signs and other health-related 70308
data; 70309

(2) Track wake and sleep times or other milestone moments in 70310
daily living; 70311

(3) Assist in maintaining a healthy, connected quality of 70312
life at home, in a residential care facility, or in another 70313
community-based setting. 70314

(B) At the conclusion of the Pilot Program, the Department 70315
shall prepare a report regarding the efficacy of the Pilot Program 70316
and outcomes regarding the health of individuals served by the 70317
Pilot Program. The report shall be submitted to the Governor, the 70318
President of the Senate, the Speaker of the House of 70319
Representatives, and to the chairpersons of the Senate and House 70320
of Representatives standing committees that consider aging issues. 70321

(C) The foregoing appropriation item 490628, At Home 70322
Technology Pilot Program, shall be used for the At Home Technology 70323
Pilot Program. 70324

Section 211.10. AGR DEPARTMENT OF AGRICULTURE				70325
General Revenue Fund				70326
GRF 700401	Animal Health Programs	\$ 4,517,266	\$ 4,388,181	70327
GRF 700403	Dairy Division	\$ 1,292,929	\$ 1,342,866	70328
GRF 700404	Ohio Proud	\$ 102,734	\$ 105,096	70329
GRF 700406	Consumer Protection Lab	\$ 1,467,261	\$ 1,389,965	70330
GRF 700407	Food Safety	\$ 1,376,113	\$ 1,408,710	70331
GRF 700409	Farmland Preservation	\$ 500,000	\$ 500,000	70332
GRF 700410	Plant Industry	\$ 151,708	\$ 155,449	70333
GRF 700412	Weights and Measures	\$ 631,487	\$ 631,487	70334
GRF 700415	Poultry Inspection	\$ 832,288	\$ 851,470	70335
GRF 700417	Soil and Water Phosphorus Program	\$ 10,700,000	\$ 10,700,000	70336
GRF 700418	Livestock Regulation Program	\$ 1,281,483	\$ 1,325,467	70337
GRF 700424	Livestock Testing and Inspections	\$ 119,843	\$ 122,240	70338
GRF 700426	Dangerous and Restricted Animals	\$ 618,447	\$ 631,310	70339
GRF 700427	High Volume Breeder Kennel Control	\$ 1,269,865	\$ 1,300,401	70340
GRF 700428	Soil and Water Division	\$ 3,658,683	\$ 3,658,683	70341
GRF 700499	Meat Inspection Program - State Share	\$ 6,485,605	\$ 6,672,501	70342
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	70343
GRF 700509	Soil and Water District Support	\$ 11,760,000	\$ 11,760,000	70344
GRF 700511	Ride Inspection	\$ 900,000	\$ 600,000	70345
GRF 700674	Hemp Production	\$ 195,000	\$ 195,000	70346

TOTAL GRF	General Revenue Fund	\$	48,240,385	\$	48,118,499	70347	
Dedicated Purpose Fund Group						70348	
4900	700651	License Plates -	\$	17,500	\$	17,500	70349
		Sustainable					
		Agriculture					
4940	700612	Agricultural	\$	240,000	\$	240,000	70350
		Commodity Marketing					
		Program					
4960	700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	70351
4970	700627	Grain Warehouse	\$	425,000	\$	425,000	70352
		Program					
4C90	700605	Commercial Feed and	\$	2,326,251	\$	2,326,251	70353
		Seed					
4D20	700609	Auction Education	\$	50,000	\$	50,000	70354
4E40	700606	Utility Radiological	\$	101,130	\$	101,130	70355
		Safety					
4P70	700610	Food Safety	\$	1,071,208	\$	1,096,240	70356
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	70357
4R20	700637	Dairy Industry	\$	1,832,950	\$	1,832,950	70358
		Inspection					
4T60	700611	Poultry and Meat	\$	100,000	\$	100,000	70359
		Inspection					
5780	700620	Ride Inspection	\$	700,000	\$	1,200,000	70360
5B80	700629	Auctioneers	\$	361,450	\$	361,450	70361
5BV0	700660	Heidelberg Water	\$	275,000	\$	275,000	70362
		Quality Lab					
5BV0	700661	Soil and Water	\$	8,000,000	\$	8,000,000	70363
		Districts					
5CV1	700672	Coronavirus Relief -	\$	1,000,000	\$	0	70364
		Local Fairs					
5FC0	700648	Plant Pest Program	\$	1,554,599	\$	1,590,615	70365
5H20	700608	Metrology Lab and	\$	975,000	\$	975,000	70366

		Scale Certification				
5L80	700604	Livestock Management	\$	245,000	\$	245,000 70367
		Program				
5MA0	700657	Dangerous and	\$	10,000	\$	10,000 70368
		Restricted Animals				
5MR0	700658	High Volume Breeders	\$	460,000	\$	460,000 70369
		and Kennels				
5MS0	700659	Captive Deer	\$	18,000	\$	18,000 70370
5PL0	700662	Pet Store License	\$	30,000	\$	30,000 70371
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 70372
5WJ0	700671	Hemp Program	\$	1,006,000	\$	1,006,000 70373
6520	700634	Animal, Consumer, and	\$	5,840,522	\$	5,962,715 70374
		ATL Labs				
6690	700635	Pesticide,	\$	4,894,402	\$	4,894,402 70375
		Fertilizer, and Lime				
		Inspection Program				
6H20	700670	H2Ohio	\$	39,300,000	\$	39,300,000 70376
TOTAL DPF Dedicated Purpose						70377
Fund Group			\$	72,929,512	\$	72,612,753 70378
Internal Service Activity Fund Group						70379
5DA0	700644	Laboratory	\$	1,204,626	\$	1,204,626 70380
		Administration				
		Support				
5GH0	700655	Administrative	\$	5,677,844	\$	5,813,996 70381
		Support				
TOTAL ISA Internal Service Activity						70382
Fund Group			\$	6,882,470		7,018,622 70383
Capital Projects Fund Group						70384
7057	700632	Clean Ohio	\$	610,000	\$	610,000 70385
		Agricultural Easement				
		Operating				
TOTAL CPF Capital Projects Fund			\$	610,000	\$	610,000 70386

Group

Federal Fund Group					70387	
3260 700618	Meat Inspection	\$	5,194,424	\$	5,194,424	70388
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	225,000	\$	225,000	70389
	Revolving					
3820 700601	Federal Cooperative	\$	7,000,000	\$	7,000,000	70390
	Contracts					
3AB0 700641	Agricultural Easement	\$	330,000	\$	330,000	70391
3J40 700607	Federal	\$	1,237,587	\$	1,264,214	70392
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	7,295,972	\$	7,295,972	70393
	Industry					
TOTAL FED	Federal Fund Group	\$	21,282,983	\$	21,309,610	70394
TOTAL ALL BUDGET	FUND GROUPS	\$	149,945,350	\$	149,669,484	70395

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 70397

The Department of Agriculture shall establish programs to 70398
assist in reducing total phosphorus and dissolved reactive 70399
phosphorus in the Western Lake Erie Basin. The programs shall give 70400
priority to those subwatersheds determined to be highest in total 70401
phosphorus and dissolved reactive phosphorus nutrient loading. 70402

The foregoing appropriation item 700417, Soil and Water 70403
Phosphorus Program, shall be used to support the programs 70404
described above, which may include but not be limited to, the 70405
following: (1) equipment for subsurface placement of nutrients 70406
into the soil; (2) equipment for nutrient placement based on 70407
geographic information system data; (3) soil testing; (4) 70408
implementation of variable rate technology; (5) equipment 70409
implementing manure transformation and manure conversion 70410

technologies; (6) tributary monitoring; (7) water management and 70411
edge-of-field drainage management; and (8) an agricultural 70412
phosphorus reduction revolving loan program. Not more than forty 70413
per cent of the foregoing appropriation item 700417, Soil and 70414
Water Phosphorus Program, shall be used for any single activity. 70415

DANGEROUS AND RESTRICTED WILD ANIMALS 70416

The foregoing appropriation item 700426, Dangerous and 70417
Restricted Animals, shall be used to administer the Dangerous and 70418
Restricted Wild Animal Permitting Program. 70419

COUNTY AGRICULTURAL SOCIETIES 70420

The foregoing appropriation item 700501, County Agricultural 70421
Societies, shall be used to reimburse county and independent 70422
agricultural societies for expenses related to Junior Fair 70423
activities. 70424

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 70425
BASIN 70426

Of the foregoing appropriation item 700509, Soil and Water 70427
District Support, \$350,000 in each fiscal year shall be used by 70428
the Department of Agriculture for a program to support soil and 70429
water conservation districts in the Western Lake Erie Basin in 70430
complying with provisions of Sub. S.B. 1 of the 131st General 70431
Assembly. The Department shall approve a soil and water district's 70432
application for funding under the program if the application 70433
demonstrates that funding will be used for, but not limited to, 70434
providing technical assistance, developing applicable nutrient or 70435
manure management plans, hiring and training of soil and water 70436
conservation district staff on best conservation practices, or 70437
other activities the Director determines appropriate to assist 70438
farmers in the Western Lake Erie Basin in complying with the 70439
provisions of Sub. S.B. 1 of the 131st General Assembly. 70440

Of the foregoing appropriation item 700509, Soil and Water 70441

District Support, \$3,500,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and other conservation support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

CORONAVIRUS - LOCAL FAIRS

The foregoing appropriation item 700672, Coronavirus Relief - Local Fairs, shall be used to support safety in connection with the Ohio State Fair in fiscal year 2022.

H2OHIO FUND

Upon the written request of the Director of Agriculture, and subject to the approval of the Controlling Board, the Director of Budget and Management may increase the appropriation under the foregoing appropriation item 700670, H2Ohio, up to \$10,000,000 in each fiscal year. The increased amount approved by the Controlling Board is hereby appropriated.

On July 1, 2022, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and

Management an amount up to the unexpended, unencumbered balance of 70473
the foregoing appropriation item, 700670, H2Ohio, at the end of 70474
fiscal year 2022 to be reappropriated in fiscal year 2023. Upon 70475
Controlling Board approval, the amount certified is hereby 70476
reappropriated to the same appropriation item for fiscal year 70477
2023. 70478

Of the foregoing appropriation item 700670, H2Ohio, 70479
\$1,800,000 in fiscal year 2022 and \$2,200,000 in fiscal year 2023 70480
shall be used to match federal funding available to establish a 70481
water quality pilot program at Shallow Run located in Hardin 70482
County in accordance to Section 3 of H.B. 7 of the 133rd General 70483
Assembly. Funding under this appropriation item shall not be 70484
expended until the Department of Agriculture reports to the 70485
Controlling Board that federal funding for the pilot program has 70486
been committed or obtained. 70487

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 70488

The foregoing appropriation item 700632, Clean Ohio 70489
Agricultural Easement Operating, shall be used by the Department 70490
of Agriculture in administering Clean Ohio Agricultural Easement 70491
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 70492
5301.67 to 5301.70 of the Revised Code. 70493

CASH TRANSFER TO AUCTIONEERS FUND 70494

On or before December 31, 2021, upon the request of the 70495
Director of Agriculture, and subject to the approval of the 70496
Controlling Board, the Director of Budget and Management may 70497
transfer up to \$300,000 in cash from the Auction Recovery Fund 70498
(5U10) to the Auctioneers Fund (5B80). 70499

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 70500

Dedicated Purpose Fund Group 70501

4Z90 898602 Small Business \$ 209,000 \$ 211,000 70502

		Ombudsman				
5700	898601	Operating Expenses	\$	774,811	\$	783,347 70503
5A00	898603	Small Business	\$	300,000	\$	300,000 70504
		Assistance				
TOTAL DPF		Dedicated Purpose Fund	\$	1,283,811	\$	1,294,347 70505
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	1,283,811	\$	1,294,347 70506

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 70508
AUTHORITY TRUST ACCOUNT 70509

Notwithstanding any other provision of law to the contrary, 70510
the Air Quality Development Authority may reimburse the Air 70511
Quality Development Authority trust account established under 70512
section 3706.10 of the Revised Code from all operating funds of 70513
the agency for expenses pertaining to the administration and 70514
shared costs incurred by the Air Quality Development Authority in 70515
the execution of responsibilities as prescribed in Chapter 3706. 70516
of the Revised Code. The reimbursement shall be made by voucher. 70517

Section 215.10. ARC ARCHITECTS BOARDS 70518

		Dedicated Purpose Fund Group				70519
4K90	891609	Operating	\$	633,410	\$	644,408 70520
TOTAL DPF		Dedicated Purpose Fund				70521
		Group	\$	633,410	\$	644,408 70522
TOTAL ALL BUDGET FUND GROUPS			\$	633,410	\$	644,408 70523

Section 217.10. ART OHIO ARTS COUNCIL 70525

		General Revenue Fund				70526
GRF	370321	Operating Expenses	\$	1,961,700	\$	1,961,700 70527
GRF	370502	State Program	\$	15,469,213	\$	15,469,213 70528
		Subsidies				
TOTAL GRF		General Revenue Fund	\$	17,430,913	\$	17,430,913 70529

Dedicated Purpose Fund Group				70530
4600	370602	Arts Council Program	\$ 385,000 \$	385,000 70531
		Support		
4B70	370603	Percent for Art	\$ 165,000 \$	165,000 70532
		Acquisitions		
TOTAL DPF Dedicated Purpose Fund Group				\$ 550,000 \$ 550,000 70533
Federal Fund Group				70534
3140	370601	Federal Support	\$ 1,250,000 \$	1,250,000 70535
TOTAL FED Federal Fund Group				\$ 1,250,000 \$ 1,250,000 70536
TOTAL ALL BUDGET FUND GROUPS				\$ 19,230,913 \$ 19,230,913 70537
FEDERAL SUPPORT				70538
Notwithstanding any provision of law to the contrary, the				70539
foregoing appropriation item 370601, Federal Support, shall be				70540
used by the Ohio Arts Council for subsidies only, and not for its				70541
administrative costs, unless the Council is required to use a				70542
portion of the funds for administrative costs under conditions of				70543
the federal grant.				70544
Section 219.10. ATH ATHLETIC COMMISSION				70545
Dedicated Purpose Fund Group				70546
4K90	175609	Operating Expenses	\$ 280,501 \$	275,423 70547
TOTAL DPF Dedicated Purpose Fund Group				\$ 280,501 \$ 275,423 70548
TOTAL ALL BUDGET FUND GROUPS				\$ 280,501 \$ 275,423 70549
Section 221.10. AGO ATTORNEY GENERAL				70551
General Revenue Fund				70552
GRF	055321	Operating Expenses	\$ 67,000,000 \$	67,830,000 70553
GRF	055405	Law-Related Education	\$ 68,950 \$	68,950 70554
GRF	055406	BCIRS Lease Rental	\$ 2,525,000 \$	2,520,000 70555

		Payments				
GRF	055411	County Sheriffs' Pay	\$	1,024,983	\$	1,043,558 70556
		Supplement				
GRF	055415	County Prosecutors'	\$	1,317,602	\$	1,340,208 70557
		Pay Supplement				
GRF	055431	Drug Abuse Response	\$	1,500,000	\$	1,500,000 70558
		Team Grants				
GRF	055432	Drug Testing	\$	964,100	\$	964,100 70559
		Equipment				
GRF	055434	ICAC Task Force	\$	500,000	\$	500,000 70560
GRF	055440	Rapid DNA Pilot	\$	1,000,000	\$	400,000 70561
		Project				
GRF	055501	Rape Crisis Centers	\$	7,300,000	\$	7,300,000 70562
GRF	055502	School Safety	\$	12,000,000	\$	12,000,000 70563
		Training Grants				
GRF	055504	Domestic Violence	\$	2,525,000	\$	2,500,000 70564
		Programs				
TOTAL GRF		General Revenue Fund	\$	97,725,635	\$	97,966,816 70565
		Dedicated Purpose Fund Group				70566
1060	055612	Attorney General	\$	72,700,000	\$	72,700,000 70567
		Operating				
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000 70568
4170	055621	Domestic Violence	\$	25,000	\$	25,000 70569
		Shelter				
4180	055615	Charitable	\$	8,286,000	\$	8,286,000 70570
		Foundations				
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000 70571
4210	055617	Police Officers'	\$	1,500,000	\$	1,500,000 70572
		Training Academy Fee				
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000 70573
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751 70574
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000 70575
		and Cost				

		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	70576
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	70577
		Enforcement					
5LR0	055655	Peace Officer	\$	4,700,000	\$	4,700,000	70578
		Training - Casino					
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	70579
		Enforcement Trust					
5XZ0	055664	Law Enforcement	\$	15,000,000	\$	0	70580
		Reimbursement					
		Training Pilot					
		Program					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	70581
		Enforcement					
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728	70582
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000	70583
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					70584
Group			\$	176,084,804	\$	163,084,804	70585
Internal Service Activity Fund Group							70586
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	70587
		Section					
TOTAL ISA		Internal Service Activity	\$	9,115,000	\$	9,115,000	70588
Fund Group							
Holding Account Fund Group							70589
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	70590
		Account					

R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	70591
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	70592
R042	055601	Organized Crime	\$	750,000	\$	750,000	70593
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	70594
		Redistribution					
TOTAL HLD Holding Account							70595
Fund Group			\$	8,250,000	\$	8,250,000	70596
Federal Fund Group							70597
3060	055620	Medicaid Fraud	\$	13,561,582	\$	13,561,582	70598
		Control					
3830	055634	Crime Victims	\$	90,000,000	\$	90,000,000	70599
		Assistance					
3E50	055638	Attorney General	\$	4,020,999	\$	4,020,999	70600
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	5,000,000	\$	5,000,000	70601
		Compensation					
3R60	055613	Attorney General	\$	3,500,000	\$	3,500,000	70602
		Federal Funds					
TOTAL FED Federal Fund Group							70603
TOTAL ALL BUDGET FUND GROUPS							70604

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 70606
70607

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 70608
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DOMESTIC VIOLENCE PROGRAM	70615
Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.	70616 70617 70618 70619
NARCOTICS TASK FORCES	70620
Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.	70621 70622 70623
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS	70624 70625
The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.	70626 70627 70628 70629 70630 70631 70632 70633
COUNTY SHERIFFS' PAY SUPPLEMENT	70634
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	70635 70636 70637 70638
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	70639 70640 70641 70642 70643 70644

COUNTY PROSECUTORS' PAY SUPPLEMENT 70645

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code. 70646
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. 70650
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DRUG TESTING EQUIPMENT 70657

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation. 70658
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70660

ICAC TASK FORCE 70661

The foregoing appropriation item 055434, ICAC Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code. 70662
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RAPID DNA PILOT PROJECT 70666

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies. 70667
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Section 221.30. BATTERED WOMEN'S SHELTER 70672

Of the foregoing appropriation item 055504, Domestic Violence 70673

Programs, \$50,000 in each fiscal year shall be distributed to the 70674
Battered Women's Shelter of Summit and Medina counties for the 70675
cost of operating the commercial kitchen located at its Market 70676
Street Facility, and \$50,000 in each fiscal year shall be 70677
distributed to the Battered Women's Shelter of Portage County. 70678

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 70679

Of the foregoing appropriation item 055504, Domestic Violence 70680
Programs, \$300,000 in each fiscal year shall be distributed to the 70681
Battered Women's Shelter of Summit and Medina counties for 70682
expenses related to the creation and implementation of a pilot 70683
program called "Finding my Childhood Again." 70684

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 70685

The Attorney General shall maintain the Drug Abuse Response 70686
Team Grant Program for the purpose of replicating or expanding 70687
successful law enforcement programs that address the opioid 70688
epidemic similar to the Drug Abuse Response Team established by 70689
the Lucas County Sheriff's Department, and the Quick Response 70690
Teams established in Colerain Township's Department of Public 70691
Safety in Hamilton County and Summit County. Any grants awarded by 70692
this grant program may include requirements for private or 70693
nonprofit matching support. 70694

The foregoing appropriation item 055431, Drug Abuse Response 70695
Team Grants, shall be used by the Attorney General to fund grants 70696
to law enforcement or other government agencies; the primary 70697
purpose of the grants shall be to replicate or expand successful 70698
law enforcement programs that address the opioid epidemic similar 70699
to the Drug Abuse Response Team established by the Lucas County 70700
Sheriff's Department and the Quick Response Teams established in 70701
Colerain Township's Department of Public Safety in Hamilton County 70702
and Summit County. 70703

Each recipient of a grant under this program shall, within 70704

six months of the end date of the grant, submit a written report 70705
describing the outcomes that resulted from the grant to the 70706
Governor, the President of the Senate, the Speaker of the House of 70707
Representatives, the Minority Leader of the Senate, and the 70708
Minority Leader of the House of Representatives. 70709

SCHOOL SAFETY TRAINING GRANTS 70710

(A) The foregoing appropriation item 055502, School Safety 70711
Training Grants, shall be used by the Attorney General, in 70712
consultation with the Superintendent of Public Instruction and the 70713
Director of Mental Health and Addiction Services, solely to make 70714
grants to public and chartered nonpublic schools, educational 70715
service centers, local law enforcement agencies, and schools 70716
operated by county boards of developmental disabilities 70717
administering special education services programs pursuant to 70718
section 5126.05 of the Revised Code for school safety and school 70719
climate programs and training. 70720

(B) The use of the grants includes, but is not limited to, 70721
all of the following: 70722

(1) The support of school resource officer certification 70723
training; 70724

(2) Any type of active shooter and school safety training or 70725
equipment; 70726

(3) All grade level type educational resources; 70727

(4) Training to identify and assist students with mental 70728
health issues; 70729

(5) School supplies or equipment related to school safety or 70730
for implementing the school's safety plan; 70731

(6) Any other training related to school safety. 70732

(C) The schools, educational service centers, and county 70733
boards shall work or contract with the county sheriff's office or 70734

a local police department in whose jurisdiction they are located 70735
to develop the programs and training described in divisions 70736
(B)(1), (2), (3), (5), and (6) of this section. Any grant awarded 70737
directly to a local law enforcement agency shall not be used to 70738
fund a similar request made by a school located within the 70739
jurisdiction of the local law enforcement agency. 70740

(D) As used in this section, "public school" means any school 70741
operated by a school district board of education, any community 70742
school established under Chapter 3314. of the Revised Code, and 70743
any STEM school established under Chapter 3326. of the Revised 70744
Code. 70745

DOMESTIC VIOLENCE PROGRAMS 70746

The foregoing appropriation item 055504, Domestic Violence 70747
Programs, shall be used by the Attorney General for the purpose of 70748
funding domestic violence programs as defined in section 109.46 of 70749
the Revised Code. 70750

Of the foregoing appropriation item 055504, Domestic Violence 70751
Programs, \$25,000 in fiscal year 2022 shall be provided as grants 70752
to Ohio domestic violence shelters to buy transportation vouchers, 70753
ridesharing credits, or gas cards for eligible clients. The 70754
Attorney General shall adopt any rules necessary for the 70755
administration of the grant program. 70756

PIKE COUNTY CAPITAL CASE 70757

An amount equal to the unexpended, unencumbered balance of 70758
appropriation item 055505, Pike County Capital Case, at the end of 70759
fiscal year 2021 is hereby reappropriated to the same 70760
appropriation item for the same purpose in fiscal year 2022. 70761

LAW ENFORCEMENT REIMBURSEMENT TRAINING PILOT PROGRAM 70762

The foregoing appropriation item 055664, Law Enforcement 70763
Reimbursement Training Pilot Program, shall be used by the 70764

Attorney General, in accordance with division (A) of Section 70765
701.70 of this act, for state funding of the training of peace 70766
officers and troopers that is required under section 109.803 of 70767
the Revised Code. 70768

Of the foregoing appropriation item 055664, Law Enforcement 70769
Reimbursement Training Pilot Program, the Attorney General may use 70770
up to \$25,000 for administrative expenses associated with the 70771
program. 70772

On July 1, 2022, or as soon as possible thereafter, the 70773
Attorney General shall certify to the Director of Budget and 70774
Management an amount up to the unexpended, unencumbered balance of 70775
the foregoing appropriation item 055664, Law Enforcement 70776
Reimbursement Training Pilot Program, at the end of fiscal year 70777
2022 to be reappropriated for the same purpose in fiscal year 70778
2023. Upon Controlling Board approval, the amount certified is 70779
hereby reappropriated to the same appropriation item for fiscal 70780
year 2023. 70781

WORKERS' COMPENSATION SECTION 70782

The Workers' Compensation Fund (Fund 1950) is entitled to 70783
receive quarterly payments from the Bureau of Workers' 70784
Compensation and the Ohio Industrial Commission to fund legal 70785
services provided to the Bureau of Workers' Compensation and the 70786
Ohio Industrial Commission during the fiscal year. 70787

In addition, the Bureau of Workers' Compensation shall 70788
transfer payments for the support of the Workers' Compensation 70789
Fraud Unit. 70790

All amounts shall be mutually agreed upon by the Attorney 70791
General, the Bureau of Workers' Compensation, and the Ohio 70792
Industrial Commission. 70793

GENERAL HOLDING ACCOUNT 70794

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose,

the amounts are hereby appropriated. 70826

COLLECTION PAYMENT REDISTRIBUTION 70827

The foregoing appropriation item 055650, Collection Payment 70828
Redistribution, shall be used for the purpose of allocating the 70829
revenue where debtors mistakenly paid the client agencies instead 70830
of the Attorney General's Collections Enforcement Section. If it 70831
is determined that additional amounts are necessary for this 70832
purpose, the amounts are hereby appropriated. 70833

Section 223.10. AUD AUDITOR OF STATE 70834

General Revenue Fund 70835

GRF 070401 Audit Management and \$ 12,046,143 \$ 12,344,795 70836
Services

GRF 070402 Performance Audits \$ 1,950,971 \$ 1,977,596 70837

GRF 070403 Fiscal \$ 550,000 \$ 550,000 70838
Watch/Emergency
Technical Assistance

GRF 070404 Fraud/Corruption \$ 2,400,000 \$ 2,400,000 70839
Audits and
Investigations

GRF 070412 Local Government \$ 13,200,000 \$ 13,200,000 70840
Audit Support

TOTAL GRF General Revenue Fund \$ 30,147,114 \$ 30,472,391 70841

Dedicated Purpose Fund Group 70842

1090 070601 Public Audit Expense \$ 11,818,035 \$ 11,065,646 70843
- Intrastate

4220 070602 Public Audit Expense \$ 33,931,168 \$ 32,983,559 70844
- Local Government

5840 070603 Training Program \$ 200,000 \$ 200,000 70845

5JZ0 070606 LEAP Revolving Loans \$ 125,000 \$ 125,000 70846

5VP0 070611 Local Government \$ 12,215,435 \$ 13,905,599 70847

		Audit Support Fund				
6750	070605	Uniform Accounting	\$	4,142,777	\$	5,705,108 70848
		Network				
		TOTAL DPF Dedicated Purpose Fund				70849
		Group	\$	62,432,415	\$	63,984,912 70850
		TOTAL ALL BUDGET FUND GROUPS	\$	92,579,529	\$	94,457,303 70851

Section 223.20. AUDIT MANAGEMENT AND SERVICES 70853

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item shall also be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS 70862

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT 70871

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND				70878
The foregoing appropriation item 070611, Local Government				70879
Audit Support Fund, shall be used pursuant to section 117.131 of				70880
the Revised Code to offset costs of audits that would otherwise be				70881
charged to local public offices in the absence of the fund.				70882
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT				70883
General Revenue Fund				70884
GRF 042321 Operating Expenses	\$	4,128,353	\$ 4,128,353	70885
TOTAL GRF General Revenue Fund	\$	4,128,353	\$ 4,128,353	70886
Dedicated Purpose Fund Group				70887
5CV1 042621 COVID Response Costs	\$	18,000,000	\$ 0	70888
- Multiple Agencies				
TOTAL Dedicated Purpose Fund Group	\$	18,000,000	\$ 0	70889
Internal Service Activity Fund Group				70890
1050 042603 Financial Management	\$	16,500,000	\$ 17,200,000	70891
1050 042620 Shared Services	\$	6,730,000	\$ 7,050,000	70892
Operating				
TOTAL ISA Internal Service Activity				70893
Fund Group	\$	23,230,000	\$ 24,250,000	70894
Fiduciary Fund Group				70895
5EH0 042604 Forgery Recovery	\$	30,000	\$ 30,000	70896
TOTAL FID Fiduciary Fund Group	\$	30,000	\$ 30,000	70897
TOTAL ALL BUDGET FUND GROUPS	\$	45,388,353	\$ 28,408,353	70898
Section 229.20. AUDIT COSTS				70900
All centralized audit costs associated with either Single				70901
Audit Schedules or financial statements prepared in conformance				70902
with generally accepted accounting principles for the state shall				70903
be paid from the foregoing appropriation item 042603, Financial				70904
Management.				70905

Costs associated with the audit of the Auditor of State shall 70906
be paid from the foregoing appropriation item 042321, Operating 70907
Expenses. 70908

SHARED SERVICES CENTER 70909

The foregoing appropriation items 042321, Operating Expenses, 70910
and 042620, Shared Services Operating, shall be used by the 70911
Director of Budget and Management to support the Shared Services 70912
program pursuant to division (D) of section 126.21 of the Revised 70913
Code. 70914

The Director of Budget and Management shall include the 70915
recovery of costs to operate the Shared Services program in the 70916
accounting and budgeting services payroll rate and through direct 70917
charges using intrastate transfer vouchers billed to agencies for 70918
services rendered using a methodology determined by the Director 70919
of Budget and Management. Such cost recovery revenues shall be 70920
deposited to the credit of the Accounting and Budgeting Fund (Fund 70921
1050). 70922

INTERNAL AUDIT 70923

The Director of Budget and Management shall include the 70924
recovery of costs to operate the Internal Audit Program pursuant 70925
to section 126.45 of the Revised Code in the accounting and 70926
budgeting services payroll rate using a methodology determined by 70927
the Director of Budget and Management. Such cost recovery revenues 70928
shall be deposited to the credit of Fund 1050. 70929

FORGERY RECOVERY 70930

The foregoing appropriation item 042604, Forgery Recovery, 70931
shall be used to reissue warrants that have been certified as 70932
forgeries by the rightful recipient as determined by the Bureau of 70933
Criminal Identification and Investigation and the Treasurer of 70934
State. Upon receipt of funds to cover the reissuance of the 70935
warrant, the Director of Budget and Management shall reissue a 70936

state warrant of the same amount. Any additional amounts needed to 70937
reissue warrants backed by the receipt of funds are hereby 70938
appropriated. 70939

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 70940

General Revenue Fund 70941

GRF 874100 Personal Services \$ 4,069,830 \$ 4,069,830 70942

GRF 874320 Maintenance and \$ 1,402,833 \$ 1,402,833 70943
Equipment

TOTAL GRF General Revenue Fund \$ 5,472,663 \$ 5,472,663 70944

Dedicated Purpose Fund Group 70945

2080 874601 Underground Parking \$ 4,245,906 \$ 4,245,906 70946
Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 70947
Education Center and
Arts

TOTAL DPF Dedicated Purpose 70948

Fund Group \$ 4,251,906 \$ 4,251,906 70949

Internal Service Activity Fund Group 70950

4S70 874602 Statehouse Gift \$ 800,000 \$ 800,000 70951
Shop/Events

TOTAL ISA Internal Service Activity 70952

Fund Group \$ 800,000 \$ 800,000 70953

TOTAL ALL BUDGET FUND GROUPS \$ 10,524,569 \$ 10,524,569 70954

PERSONAL SERVICES 70955

On July 1, 2021, or as soon as possible thereafter, the 70956
Executive Director of the Capitol Square Review and Advisory Board 70957
may certify to the Director of Budget and Management an amount up 70958
to the unexpended, unencumbered balance of the foregoing 70959
appropriation item 874100, Personal Services, at the end of fiscal 70960
year 2021 to be reappropriated to fiscal year 2022. The amount 70961

certified is hereby appropriated to the same appropriation item 70962
for fiscal year 2022. 70963

On July 1, 2022, or as soon as possible thereafter, the 70964
Executive Director of the Capital Square Review and Advisory Board 70965
may certify to the Director of Budget and Management an amount up 70966
to the unexpended, unencumbered balance of the foregoing 70967
appropriation item 874100, Personal Services, at the end of fiscal 70968
year 2022 to be reappropriated to fiscal year 2023. The amount 70969
certified is hereby appropriated to the same appropriation item 70970
for fiscal year 2023. 70971

MAINTENANCE AND EQUIPMENT 70972

On July 1, 2021, or as soon as possible thereafter, the 70973
Executive Director of the Capitol Square Review and Advisory Board 70974
may certify to the Director of Budget and Management an amount up 70975
to the unexpended, unencumbered balance of the foregoing 70976
appropriation item 874320, Maintenance and Equipment, at the end 70977
of fiscal year 2021 to be reappropriated to fiscal year 2022. The 70978
amount certified is hereby appropriated to the same appropriation 70979
item for fiscal year 2022. 70980

On July 1, 2022, or as soon as possible thereafter, the 70981
Executive Director of the Capitol Square Review and Advisory Board 70982
may certify to the Director of Budget and Management an amount up 70983
to the unexpended, unencumbered balance of the foregoing 70984
appropriation item 874320, Maintenance and Equipment, at the end 70985
of fiscal year 2022 to be reappropriated to fiscal year 2023. The 70986
amount certified is hereby appropriated to the same appropriation 70987
item for fiscal year 2023. 70988

UNDERGROUND PARKING GARAGE FUND 70989

Notwithstanding division (G) of section 105.41 of the Revised 70990
Code and any other provision to the contrary, moneys in the 70991
Underground Parking Garage Fund (Fund 2080) may be used for 70992

personnel and operating costs related to the operations of the 70993
 Statehouse and the Statehouse Underground Parking Garage. 70994

HOUSE AND SENATE PARKING REIMBURSEMENT 70995

On July 1 of each fiscal year, or as soon as possible 70996
 thereafter, the Director of Budget and Management shall transfer 70997
 \$500,000 cash from the General Revenue Fund to the Underground 70998
 Parking Garage Fund (Fund 2080). The amounts transferred under 70999
 this section shall be used to reimburse the Capitol Square Review 71000
 and Advisory Board for legislative parking costs. 71001

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 71002
 SCHOOLS 71003

Dedicated Purpose Fund Group 71004

4K90 233601 Operating Expenses \$ 513,000 \$ 513,000 71005

TOTAL DPF Dedicated Purpose Fund \$ 513,000 \$ 513,000 71006

Group

TOTAL ALL BUDGET FUND GROUPS \$ 513,000 \$ 513,000 71007

Section 235.10. CAC CASINO CONTROL COMMISSION 71009

Dedicated Purpose Fund Group 71010

5HS0 955321 Operating Expenses \$ 13,401,718 \$ 13,492,672 71011

5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 71012

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 13,651,718 \$ 13,742,672 71013

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,651,718 \$ 13,742,672 71014

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 71016

Dedicated Purpose Fund Group 71017

4K90 930609 Operating Expenses \$ 833,131 \$ 850,305 71018

TOTAL DPF Dedicated Purpose Fund \$ 833,131 \$ 850,305 71019

Group

TOTAL ALL BUDGET FUND GROUPS \$ 833,131 \$ 850,305 71020

Section 239.10. CHR STATE CHIROPRACTIC BOARD 71022

Dedicated Purpose Fund Group 71023

4K90 878609 Operating Expenses \$ 622,000 \$ 622,000 71024

TOTAL DPF Dedicated Purpose Fund \$ 622,000 \$ 622,000 71025

Group

TOTAL ALL BUDGET FUND GROUPS \$ 622,000 \$ 622,000 71026

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 71028

General Revenue Fund 71029

GRF 876321 Operating Expenses \$ 6,118,897 \$ 6,538,548 71030

TOTAL GRF General Revenue Fund \$ 6,118,897 \$ 6,538,548 71031

Dedicated Purpose Fund Group 71032

2170 876604 Operations Support \$ 3,000 \$ 3,000 71033

TOTAL DPF Internal Service Activity 71034

Fund Group \$ 3,000 \$ 3,000 71035

Federal Fund Group 71036

3340 876601 Federal Programs \$ 3,300,000 \$ 3,036,884 71037

TOTAL FED Federal Special Revenue 71038

Fund Group \$ 3,300,000 \$ 3,036,884 71039

TOTAL ALL BUDGET FUND GROUPS \$ 9,421,897 \$ 9,578,432 71040

Section 243.10. COM DEPARTMENT OF COMMERCE 71042

Dedicated Purpose Fund Group 71043

4B20 800631 Real Estate Appraisal \$ 35,000 \$ 35,000 71044

Recovery

4H90 800608 Cemeteries \$ 313,466 \$ 313,466 71045

4X20 800619 Financial Institutions \$ 2,080,213 \$ 2,080,213 71046

5430 800602 Unclaimed \$ 11,491,192 \$ 11,489,073 71047

Funds-Operating

5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	71048
5440	800612	Banks	\$	10,138,048	\$	10,138,048	71049
5460	800610	Fire Marshal	\$	23,166,255	\$	23,451,914	71050
5460	800639	Fire Department Grants	\$	6,100,000	\$	6,100,000	71051
5470	800603	Real Estate	\$	69,655	\$	69,655	71052
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	71053
5490	800614	Real Estate	\$	4,155,513	\$	4,227,780	71054
5500	800617	Securities	\$	7,234,782	\$	7,387,595	71055
5520	800604	Credit Union	\$	3,807,712	\$	3,807,712	71056
5530	800607	Consumer Finance	\$	5,517,185	\$	5,510,095	71057
5560	800615	Industrial Compliance	\$	30,929,000	\$	30,929,000	71058
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	71059
		Departments					
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	71060
		Education					
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	71061
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	71062
5LC0	800644	Liquor JobsOhio	\$	327,470	\$	396,154	71063
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	23,532,000	\$	25,395,000	71064
		Services					
5LP0	800646	Liquor Regulatory	\$	16,829,784	\$	15,584,778	71065
		Operating Expenses					
5SE0	800651	Cemetery Grant Program	\$	130,000	\$	130,000	71066
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	71067
		Officers' Dependent Fund					
5SU0	800649	Manufactured Homes	\$	331,281	\$	340,357	71068
		Regulation					
5SY0	800650	Medical Marijuana	\$	5,121,000	\$	5,121,000	71069
		Control Program					

5VC0	800652	Real Estate Home	\$	96,320	\$	100,813	71070
		Inspector Operating					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	71071
		Inspector Recovery					
5X60	800623	Video Service	\$	437,693	\$	437,693	71072
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	71073
6530	800629	UST Registration/Permit	\$	2,481,714	\$	2,501,714	71074
		Fee					
6A40	800630	Real Estate	\$	1,095,546	\$	1,108,310	71075
		Appraiser-Operating					
TOTAL DPF Dedicated Purpose							71076
Fund Group			\$	230,990,303	\$	232,224,844	71077
Internal Service Activity Fund Group							71078
1630	800620	Division of	\$	9,481,409	\$	9,296,249	71079
		Administration					
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029	71080
TOTAL ISA Internal Service Activity							71081
Fund Group			\$	20,472,158	\$	19,973,278	71082
Federal Fund Group							71083
3480	800622	Underground Storage	\$	805,112	\$	805,112	71084
		Tanks					
3480	800624	Leaking Underground	\$	2,000,000	\$	2,000,000	71085
		Storage Tanks					
3HK0	800654	911 Grant Program	\$	3,302,976	\$	0	71086
TOTAL FED Federal Fund Group							71087
TOTAL ALL BUDGET FUND GROUPS							71088

Section 243.20. UNCLAIMED FUNDS PAYMENTS 71090

The foregoing appropriation item 800625, Unclaimed 71091
 Funds-Claims, shall be used to pay claims under section 169.08 of 71092
 the Revised Code. If it is determined by the Director of Commerce 71093
 that additional appropriation amounts are necessary to make such 71094

payments, the Director of Commerce may request that the Director 71095
of Budget and Management approve such increases. Any approved 71096
increases are hereby appropriated. 71097

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 71098

The foregoing appropriation item 800631, Real Estate 71099
Appraiser Recovery, shall be used to pay settlements, judgments, 71100
and court orders under section 4763.16 of the Revised Code. If it 71101
is determined by the Director of Commerce that additional 71102
appropriation amounts are necessary to make such payments, the 71103
Director of Commerce may request that the Director of Budget and 71104
Management approve such increases. Any approved increases are 71105
hereby appropriated. 71106

The foregoing appropriation item 800611, Real Estate 71107
Recovery, shall be used to pay settlements, judgments, and court 71108
orders under section 4735.12 of the Revised Code. If it is 71109
determined by the Director of Commerce that additional 71110
appropriation amounts are necessary to make such payments, the 71111
Director of Commerce may request that the Director of Budget and 71112
Management approve such increases. Any approved increases are 71113
hereby appropriated. 71114

The foregoing appropriation item 800653, Real Estate Home 71115
Inspector Recovery, shall be used to pay settlements, judgments, 71116
and court orders under section 4764.21 of the Revised Code. If it 71117
is determined by the Director of Commerce that additional 71118
appropriation amounts are necessary to make such payments, the 71119
Director of Commerce may request that the Director of Budget and 71120
Management approve such increases. Any approved increases are 71121
hereby appropriated. 71122

FIRE DEPARTMENT GRANTS 71123

(A) The foregoing appropriation item 800639, Fire Department 71124
Grants, shall be used to make annual grants to the following 71125

eligible recipients: volunteer fire departments, fire departments 71126
that serve one or more small municipalities or small townships, 71127
joint fire districts comprised of fire departments that primarily 71128
serve small municipalities or small townships, local units of 71129
government responsible for such fire departments, and local units 71130
of government responsible for the provision of fire protection 71131
services for small municipalities or small townships. For the 71132
purposes of these grants, a private fire company, as that phrase 71133
is defined in section 9.60 of the Revised Code, that is providing 71134
fire protection services under a contract to a political 71135
subdivision of the state, is an additional eligible recipient for 71136
a training grant. 71137

Eligible recipients that consist of small municipalities or 71138
small townships that all intend to contract with the same fire 71139
department or private fire company for fire protection services 71140
may jointly apply and be considered for a grant. If a joint 71141
applicant is awarded a grant, the State Fire Marshal shall, if 71142
feasible, proportionately award the grant and any equipment 71143
purchased with grant funds to each of the joint applicants based 71144
upon each applicant's contribution to and demonstrated need for 71145
fire protection services. For the purpose of this grant program, 71146
an eligible recipient or any firefighting entity that is 71147
contracted to serve an eligible recipient may only file, be listed 71148
as joint applicant, or be designated as a service provider on one 71149
grant application per fiscal year. 71150

If the grant awarded to joint applicants is an equipment 71151
grant and the equipment to be purchased cannot be readily 71152
distributed or possessed by multiple recipients, each of the joint 71153
applicants shall be awarded by the State Fire Marshal an ownership 71154
interest in the equipment so purchased in proportion to each 71155
applicant's contribution to and demonstrated need for fire 71156
protection services. The joint applicants shall then mutually 71157

agree on how the equipment is to be maintained, operated, stored, 71158
or disposed of. If, for any reason, the joint applicants cannot 71159
agree as to how jointly owned equipment is to be maintained, 71160
operated, stored, or disposed of or any of the joint applicants no 71161
longer maintain a contract with the same fire protection service 71162
provider as the other applicants, then the joint applicants shall, 71163
with the assistance of the State Fire Marshal, mutually agree as 71164
to how the jointly owned equipment is to be maintained, operated, 71165
stored, disposed of, or owned. If the joint applicants cannot 71166
agree how the grant equipment is to be maintained, operated, 71167
stored, disposed of, or owned, the State Fire Marshal may, in its 71168
discretion, require all of the equipment acquired by the joint 71169
applicants with grant funds to be returned to the State Fire 71170
Marshal. The State Fire Marshal may then award the returned 71171
equipment to any eligible recipients. For this paragraph only, an 71172
"equipment grant" also includes a MARCS Grant. 71173

(B) Except as otherwise provided in this section, the grants 71174
shall be used by recipients to purchase firefighting or rescue 71175
equipment or gear or similar items, to provide full or partial 71176
reimbursement for the documented costs of firefighter training, 71177
or, at the discretion of the State Fire Marshal, to cover fire 71178
department costs for providing fire protection services in that 71179
grant recipient's jurisdiction. 71180

(1) Of the foregoing appropriation item 800639, Fire 71181
Department Grants, up to \$1,000,000 per fiscal year may be used to 71182
pay for the State Fire Marshal's costs of providing firefighter I 71183
certification classes or other firefighter classes approved by the 71184
State Fire Marshal at no cost to selected students attending the 71185
Ohio Fire Academy or other class providers approved by the State 71186
Fire Marshal. The State Fire Marshal may establish the 71187
qualifications and selection processes for students to attend such 71188
classes by written policy, and such students shall be considered 71189

eligible recipients of fire department grants for the purposes of 71190
this portion of the grant program. 71191

(2) Of the foregoing appropriation item 800639, Fire 71192
Department Grants, up to \$3,500,000 in each fiscal year may be 71193
used for MARCS Grants. MARCS Grants may be used for the payment of 71194
user access fees by the eligible recipient to cover costs for 71195
accessing MARCS. 71196

For purposes of this section, a MARCS Grant is a grant for 71197
systems, equipment, or services that are a part of, integrated 71198
into, or otherwise interoperable with the Multi-Agency Radio 71199
Communication System (MARCS) operated by the state. 71200

MARCS Grant awards may be up to \$50,000 in each fiscal year 71201
per eligible recipient. Each eligible recipient may apply, as a 71202
separate entity or as a part of a joint application, for only one 71203
MARCS Grant per fiscal year. The State Fire Marshal may give a 71204
preference to MARCS Grants that will enhance the overall 71205
interoperability and effectiveness of emergency communication 71206
networks in the geographic region that includes and that is 71207
adjacent to the applicant. 71208

Eligible recipients that are or were awarded fire department 71209
grants that are not MARCS Grants may also apply for and receive 71210
MARCS Grants in accordance with criteria for the awarding of grant 71211
funds established by the State Fire Marshal. 71212

(3) Grant awards for firefighting or rescue equipment or gear 71213
or for fire department costs of providing fire protection services 71214
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 71215
fiscal year if an eligible entity serves a jurisdiction in which 71216
the Governor declared a natural disaster during the preceding or 71217
current fiscal year in which the grant was awarded. In addition to 71218
any grant funds awarded for rescue equipment or gear, or for fire 71219
department costs associated with the provision of fire protection 71220

services, an eligible entity may receive a grant for up to \$15,000 71221
per fiscal year for full or partial reimbursement of the 71222
documented costs of firefighter training. For each fiscal year, 71223
the State Fire Marshal shall determine the total amounts to be 71224
allocated for each eligible purpose. 71225

(C) The grants shall be administered by the State Fire 71226
Marshal in accordance with rules the State Fire Marshal adopts as 71227
part of the state fire code adopted pursuant to section 3737.82 of 71228
the Revised Code that are necessary for the administration and 71229
operation of the grant program. The rules may further define the 71230
entities eligible to receive grants and establish criteria for the 71231
awarding and expenditure of grant funds, including methods the 71232
State Fire Marshal may use to verify the proper use of grant funds 71233
or to obtain reimbursement for or the return of equipment for 71234
improperly used grant funds. To the extent consistent with this 71235
section and until the rules are updated, the existing rules in the 71236
state fire code adopted pursuant to section 3737.82 of the Revised 71237
Code for fire department grants under this section apply to MARCS 71238
Grants. Any amounts in appropriation item 800639, Fire Department 71239
Grants, in excess of the amount allocated for these grants may be 71240
used for the administration of the grant program. 71241

(D) Of the foregoing appropriation 800639, Fire Department 71242
Grants, \$200,000 in each fiscal year shall be allocated to fire 71243
departments located in Trumbull County for equipment and training 71244
costs. 71245

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 71246
OPERATING FUND 71247

Upon the written request of the Director of Commerce, and 71248
subject to the approval of the Controlling Board, the Director of 71249
Budget and Management may transfer up to \$500,000 in cash from the 71250
Real Estate Education and Research Fund (Fund 5470) to the 71251

Division of Real Estate Operating Fund (Fund 5490) during the 71252
biennium ending June 30, 2023. 71253

If the Real Estate Recovery Fund (Fund 5480) cash balance 71254
exceeds \$250,000 during the biennium ending June 30, 2023, the 71255
Director of Budget and Management, upon the written request of the 71256
Director of Commerce and subject to the approval of the 71257
Controlling Board, may transfer cash from Fund 5480 to the 71258
Division of Real Estate Operating Fund (Fund 5490), such that the 71259
amount available in Fund 5480 is not less than \$250,000. 71260

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 71261

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 71262
balance exceeds \$200,000 during the biennium ending June 30, 2023, 71263
the Director of Budget and Management, upon the written request of 71264
the Director of Commerce and subject to the approval of the 71265
Controlling Board, may transfer cash from Fund 4B20 to the Real 71266
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 71267
available in Fund 4B20 is not less than \$200,000. 71268

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 71269
REVOLVING LOAN FUND 71270

Upon the written request of the Director of Commerce, and 71271
subject to the approval of the Controlling Board, the Director of 71272
Budget and Management may transfer up to \$600,000 in cash from the 71273
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 71274
Department Services Revolving Loan Fund (Fund 5F10) during the 71275
biennium ending June 30, 2023. 71276

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 71277
HOME INSPECTOR RECOVERY FUND 71278

During the biennium beginning July 1, 2021, and ending June 71279
30, 2023, upon written request from the Director of Commerce, and 71280
subject to the approval of the Controlling Board, the Director of 71281
Budget and Management may transfer up to \$500,000 in cash from the 71282

Division of Securities Fund (Fund 5500) as follows: up to \$400,000 71283
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 71284
\$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 71285
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 71286
sufficient to sustain operations, the Director of Budget and 71287
Management, in consultation with the Director of Commerce, shall 71288
establish a repayment schedule to fully repay the cash transferred 71289
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 71290

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 71291

Upon the written request of the Director of Commerce, and 71292
subject to the approval of the Controlling Board, the Director of 71293
Budget and Management may transfer up to \$2,500,000 in each fiscal 71294
year from the Division of Securities Operating Fund (Fund 5500) to 71295
the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium 71296
ending June 30, 2023. 71297

Of the foregoing appropriation item 800657, Ohio Investor 71298
Recovery, up to \$2,500,000 in each fiscal year shall be used by 71299
the Department of Commerce to provide restitution assistance to 71300
victims who: (1) are identified in a final administrative order 71301
issued by the Division of Securities or a final court order in a 71302
civil or criminal proceeding initiated by the Division as a 71303
purchaser damaged by a sale or contract for sale made in violation 71304
of Chapter 1707. of the Revised Code; and (2) have not received 71305
the full amount of any restitution ordered in a final order before 71306
the application for restitution assistance is due. 71307

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 71308

Dedicated Purpose Fund Group 71309
5F50 053601 Operating Expenses \$ 5,641,043 \$ 5,641,043 71310
TOTAL DPF Dedicated Purpose Fund \$ 5,641,043 \$ 5,641,043 71311
Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,641,043	\$	5,641,043	71312
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Section 247.10. CEB CONTROLLING BOARD 71314

Internal Service Activity Fund Group 71315

5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	71316
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Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity	\$	7,500,000	\$	7,500,000	71317
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	71318
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Section 247.20. FEDERAL SHARE 71320

In transferring appropriations to or from appropriation items 71321
that have federal shares identified in this act, the Controlling 71322
Board shall add or subtract corresponding amounts of federal 71323
matching funds at the percentages indicated by the state and 71324
federal division of the appropriations in this act. Such changes 71325
are hereby appropriated. 71326

DISASTER SERVICES 71327

The Disaster Services Fund (Fund 5E20) shall be used by the 71328
Controlling Board, pursuant to requests submitted by state 71329
agencies, to transfer cash used for the payment of state agency 71330
disaster relief program expenses for disasters that have a written 71331
Governor's authorization, if the Director of Budget and Management 71332
determines that sufficient funds exist. 71333

Pursuant to requests submitted by the Department of Public 71334
Safety, the Controlling Board may approve cash transfers from Fund 71335
5E20 to any fund used by the Department of Public Safety to 71336
provide for assistance to political subdivisions made necessary by 71337
natural disasters or emergencies. These cash transfers may be 71338
requested and approved prior to the occurrence of any specific 71339
natural disasters or emergencies in order to facilitate the 71340

provision of timely assistance. The Emergency Management Agency of 71341
the Department of Public Safety shall use the cash to fund the 71342
State Disaster Relief Program for disasters that qualify for the 71343
program by written authorization of the Governor, and the State 71344
Individual Assistance Program for disasters that been declared by 71345
the federal Small Business Administration and that qualify for the 71346
program by written authorization from the Governor. The Ohio 71347
Emergency Management Agency shall publish and make available 71348
application packets outlining procedures for the State Disaster 71349
Relief Program and the State Individual Assistance Program. 71350

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 71351

Dedicated Purpose Fund Group 71352
4K90 879609 Operating Expenses \$ 5,416,852 \$ 5,716,944 71353
TOTAL DPF Dedicated Purpose Fund \$ 5,416,852 \$ 5,716,944 71354
Group
TOTAL ALL BUDGET FUND GROUPS \$ 5,416,852 \$ 5,716,944 71355

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 71357

AND FAMILY THERAPIST BOARD 71358
Dedicated Purpose Fund Group 71359
4K90 899609 Operating Expenses \$ 1,845,658 \$ 1,907,553 71360
TOTAL DPF Dedicated Purpose Fund \$ 1,845,658 \$ 1,907,553 71361
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,845,658 \$ 1,907,553 71362

Section 253.10. CLA COURT OF CLAIMS 71364

General Revenue Fund 71365
GRF 015321 Operating Expenses \$ 2,668,140 \$ 2,730,329 71366
GRF 015403 Public Records \$ 931,645 \$ 957,137 71367
Adjudication
TOTAL GRF General Revenue Fund \$ 3,599,785 \$ 3,687,466 71368

Dedicated Purpose Fund Group					71369
5K20 015603 CLA Victims of Crime	\$	507,867	\$	521,755	71370
5TE0 015604 Public Records	\$	1,200	\$	1,200	71371
TOTAL DPF Dedicated Purpose Fund	\$	509,067	\$	522,955	71372
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,108,852	\$	4,210,421	71373

Section 255.10. DEN STATE DENTAL BOARD 71375

Dedicated Purpose Fund Group					71376
4K90 880609 Operating Expenses	\$	1,700,000	\$	1,750,000	71377
TOTAL DPF Dedicated Purpose Fund	\$	1,700,000	\$	1,750,000	71378
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,700,000	\$	1,750,000	71379

Section 257.10. BDP BOARD OF DEPOSIT 71381

Dedicated Purpose Fund Group					71382
4M20 974601 Board of Deposit	\$	1,688,400	\$	1,688,400	71383
TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	71384
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	71385

BOARD OF DEPOSIT EXPENSE FUND 71386

Upon receiving certification of expenses from the Treasurer 71387
of State, the Director of Budget and Management shall transfer 71388
cash from the Investment Earnings Redistribution Fund (Fund 6080) 71389
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 71390
shall be used pursuant to section 135.02 of the Revised Code to 71391
pay for any and all necessary expenses of the Board of Deposit or 71392
for banking charges and fees required for the operation of the 71393
State of Ohio Regular Account. 71394

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 71395

General Revenue Fund 71396

GRF	195402	Coal Research and Development Program	\$	175,000	\$	175,000	71397
GRF	195405	Minority Business Development	\$	5,794,141	\$	5,794,141	71398
GRF	195415	Business Development Services	\$	3,905,000	\$	3,905,000	71399
GRF	195426	Redevelopment Assistance	\$	1,000,000	\$	1,000,000	71400
GRF	195453	Technology Programs and Grants	\$	800,000	\$	800,000	71401
GRF	195454	Small Business and Export Assistance	\$	3,500,000	\$	3,500,000	71402
GRF	195455	Appalachia Assistance	\$	6,500,000	\$	6,500,000	71403
GRF	195497	CDBG Operating Match	\$	1,250,000	\$	1,250,000	71404
GRF	195499	BSD Federal Programs Match	\$	13,200,000	\$	13,200,000	71405
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	71406
GRF	195503	Local Development Projects	\$	18,900,000	\$	16,500,000	71407
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	71408
GRF	195553	Industry Sector Partnerships	\$	2,500,000	\$	2,500,000	71409
GRF	195556	TechCred Program	\$	25,000,000	\$	0	71410
GRF	195566	Main Street Job Recovery Program	\$	250,000	\$	250,000	71411
GRF	195651	Residential Broadband Expansion Grants	\$	20,000,000	\$	20,000,000	71412
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	7,300,000	\$	8,500,000	71413

GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	69,000,000	\$	76,000,000	71414
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	4,605,000	\$	4,605,000	71415
TOTAL GRF		General Revenue Fund	\$	184,079,141	\$	164,879,141	71416
		Dedicated Purpose Fund Group					71417
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	71418
4510	195649	Business Assistance Programs	\$	3,000,000	\$	3,000,000	71419
4F20	195639	State Special Projects	\$	1,000,000	\$	1,000,000	71420
4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000	71421
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000	71422
5HR0	195606	TechCred Program	\$	8,300,000	\$	0	71423
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	71424
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000	71425
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$	325,000,000	71426
5M50	195660	Advanced Energy Loan Programs	\$	8,500,000	\$	8,500,000	71427
5MH0	195644	SiteOhio Administration	\$	2,500	\$	2,500	71428

5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	71429
5UL0	195627	Brownfields Revolving Loan Program	\$	2,500,000	\$	2,500,000	71430
5W60	195691	International Trade Cooperative Projects	\$	50,000	\$	50,000	71431
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$	5,000,000	71432
5XH0	195694	Micro-Enterprise Loans	\$	5,000,000	\$	5,000,000	71433
5XM0	195608	Entertainment Venues	\$	20,000,000	\$	0	71434
5XM0	195677	Bar and Restaurant Assistance	\$	100,000,000	\$	0	71435
5XM0	195685	Lodging Industry Grants	\$	25,000,000	\$	0	71436
5XM0	195697	New Business Relief Grant	\$	10,000,000	\$	0	71437
5XU0	195567	Residential Broadband Expansion Grants	\$	170,000,000	\$	20,000,000	71438
5XX0	195408	Meat Processing Investment Program	\$	10,000,000	\$	0	71439
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	71440
6460	195638	Low- and Moderate- Income Housing Programs	\$	55,250,000	\$	55,250,000	71441
TOTAL DPF Group		Dedicated Purpose Fund	\$	766,259,967	\$	442,959,967	71442
Internal Service Activity Fund Group							71443
1350	195684	Development Services Operations	\$	12,000,000	\$	12,000,000	71444
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000	71445

TOTAL ISA Internal Service Activity	\$	12,125,000	\$	12,125,000	71446
Fund Group					
Facilities Establishment Fund Group					71447
4Z60 195647 Rural Industrial Park	\$	18,000,000	\$	0	71448
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	71449
Program					
7009 195664 Innovation Ohio	\$	4,800,000	\$	4,800,000	71450
7010 195665 Research and	\$	5,000,000	\$	5,000,000	71451
Development					
7037 195615 Facilities	\$	152,000,000	\$	50,000,000	71452
Establishment					
TOTAL FCE Facilities Establishment	\$	182,300,000	\$	62,300,000	71453
Fund Group					
Bond Research and Development Fund Group					71454
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	71455
Exempt - Operating					
7011 195687 Third Frontier	\$	10,000,000	\$	10,000,000	71456
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	71457
Taxable - Operating					
7014 195692 Research and	\$	50,000,000	\$	50,000,000	71458
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	62,460,000	\$	62,460,000	71459
Development Fund Group					
Federal Fund Group					71460
3080 195602 Appalachian Regional	\$	5,500,000	\$	5,500,000	71461
Commission					
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	71462
Programs					

3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	71463
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	71464
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	71465
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	71466
3080	195675	Procurement Technical Assistance	\$	1,000,000	\$	1,000,000	71467
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	71468
3350	195610	Energy Programs	\$	350,000	\$	350,000	71469
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	71470
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	71471
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	71472
3K90	195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	71473
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	71474
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	71475
3V10	195601	HOME Program	\$	35,000,000	\$	35,000,000	71476
TOTAL FED		Federal Fund Group	\$	393,421,381	\$	393,421,381	71477
TOTAL ALL BUDGET FUND GROUPS			\$	1,600,645,489	\$	1,138,145,489	71478

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 71480

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of 71481
71482

the Community Services Division in support of the Ohio Coal Development Office. 71483
71484

MINORITY BUSINESS DEVELOPMENT 71485

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance. 71486
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BUSINESS DEVELOPMENT SERVICES 71493

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices. 71494
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Of the foregoing appropriation item 195415, Business Development Services, \$1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job training and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security related initiatives. 71498
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REDEVELOPMENT ASSISTANCE 71512

The foregoing appropriation item 195426, Redevelopment 71513

Assistance, shall be used to fund the costs of administering the 71514
energy, redevelopment, and other revitalization programs that may 71515
be implemented, and may be used to match federal grant funding. 71516

TECHNOLOGY PROGRAMS AND GRANTS 71517

The foregoing appropriation item 195453, Technology Programs 71518
and Grants, shall be used for operating expenses incurred in 71519
administering the Ohio Third Frontier Programs and other 71520
technology focused programs that may be implemented. 71521

SMALL BUSINESS AND EXPORT ASSISTANCE 71522

The foregoing appropriation item 195454, Small Business and 71523
Export Assistance, may be used to provide a range of business 71524
assistance, including grants to local organizations to support 71525
economic development activities that promote small business 71526
development, entrepreneurship, and exports of Ohio's goods and 71527
services, in conjunction with local organizations funded through 71528
appropriation item 195405, Minority Business Development. The 71529
foregoing appropriation item shall also be used as matching funds 71530
for grants from the United States Small Business Administration 71531
and other federal agencies, pursuant to Pub. L. No. 96-302 as 71532
amended by Pub. L. No. 98-395, and regulations and policy 71533
guidelines for the programs pursuant thereto. 71534

APPALACHIA ASSISTANCE 71535

The foregoing GRF appropriation item 195455, Appalachia 71536
Assistance, may be used for the administrative costs of planning 71537
and liaison activities for the Governor's Office of Appalachia, to 71538
provide financial assistance to projects in Ohio's Appalachian 71539
counties, to support four local development districts, and to pay 71540
dues for the Appalachian Regional Commission. These funds may be 71541
used to match federal funds from the Appalachian Regional 71542
Commission. Programs funded through the appropriation item shall 71543
be identified and recommended by the local development districts 71544

and approved by the Governor's Office of Appalachia. The 71545
Department of Development shall conduct compliance and regulatory 71546
review of the programs recommended by the local development 71547
districts. Moneys allocated under the appropriation item may be 71548
used to fund projects including, but not limited to, those 71549
designated by the local development districts as community 71550
investment and rapid response projects. 71551

Of the foregoing appropriation item 195455, Appalachia 71552
Assistance, in each fiscal year, \$170,000 shall be allocated to 71553
the Ohio Valley Regional Development Commission, \$170,000 shall be 71554
allocated to the Ohio Mid-Eastern Government Association, \$170,000 71555
shall be allocated to the Buckeye Hills-Hocking Valley Regional 71556
Development District, and \$170,000 shall be allocated to the 71557
Eastgate Regional Council of Governments. Local development 71558
districts receiving funding under this section shall use the funds 71559
for the implementation and administration of programs and duties 71560
under section 107.21 of the Revised Code. 71561

CDBG OPERATING MATCH 71562

The foregoing appropriation item 195497, CDBG Operating 71563
Match, shall be used as matching funds for grants from the United 71564
States Department of Housing and Urban Development pursuant to the 71565
Housing and Community Development Act of 1974 and regulations and 71566
policy guidelines for the programs pursuant thereto. 71567

BSD FEDERAL PROGRAMS MATCH 71568

The foregoing appropriation item 195499, BSD Federal Programs 71569
Match, shall be used as matching funds for grants from the U.S. 71570
Department of Commerce, National Institute of Standards and 71571
Technology Manufacturing Extension Partnership Program and Defense 71572
Logistics Agency Procurement Technical Assistance Program, and 71573
other federal agencies, pursuant to Pub. L. No. 96-302 as amended 71574
by Pub. L. No. 98-395, and regulations and policy guidelines for 71575

the programs pursuant thereto. The appropriation item shall also 71576
be used for operating expenses of the Business Services Division. 71577

iBELIEVE 71578

The foregoing appropriation item 195501, iBELIEVE, shall be 71579
allocated to the iBELIEVE Foundation to provide opportunities for 71580
Appalachian youth to develop twenty-first century skills, 71581
including leadership, communication, and problem-solving for 71582
college access and retention. 71583

LOCAL DEVELOPMENT PROJECTS 71584

Of the foregoing appropriation item 195503, Local Development 71585
Projects, \$10,000,000 in each fiscal year shall be allocated to 71586
the Foundation for Appalachian Ohio. 71587

Of the foregoing appropriation item 195503, Local Development 71588
Projects, up to \$4,000,000 in each fiscal year shall be allocated 71589
for the GRIT program, to be administered by the Governor's Office 71590
of Appalachia and the Department of Development. The program shall 71591
create jobs in economically distressed and at-risk areas within 11 71592
counties in the service territory of the Ohio Valley Regional 71593
Development Commission. This portion of the foregoing 71594
appropriation item shall be used to establish virtual workforce 71595
development centers and place un- and under-employed adults into 71596
jobs, in collaboration with private businesses and public sector 71597
partners. Of this portion of the foregoing appropriation item, up 71598
to \$800,000 in each fiscal year may be used for assessments and up 71599
to \$800,000 in each fiscal year may be used for operating costs. 71600
The Governor's Office of Appalachia and the Department of 71601
Development may establish other guidelines for the use of this 71602
portion of the foregoing appropriation item. 71603

Of the foregoing appropriation item 195503, Local Development 71604
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 71605
coordination with the Department of Health to support stable 71606

housing initiatives for pregnant mothers and to improve maternal 71607
and infant health outcomes. 71608

Of the foregoing appropriation item 195503, Local Development 71609
Projects, \$1,000,000 in each fiscal year shall be allocated to the 71610
Lucas County Land Reutilization Corporation for the Lucas County 71611
Commercial Site Clean-Up Pilot Program to demolish vacant 71612
commercial or industrial buildings located in Lucas County. The 71613
state funding shall be matched on a 1:1 basis by funding from any 71614
of the following entities: City of Toledo, Lucas County, 71615
Toledo-Lucas County Port Authority, Lucas County Land 71616
Reutilization Corporation, the municipality, village or township 71617
where the project is located, or any private entities or nonprofit 71618
organizations. The program shall prioritize the demolition of 71619
blighted or nuisance commercial or industrial buildings at 71620
locations that are depressing the value of surrounding properties 71621
and locations that have the greatest potential for new 71622
construction or development. 71623

Of the foregoing appropriation item 195503, Local Development 71624
Projects, \$500,000 in each fiscal year shall be used for the 71625
Center for Advanced Manufacturing and Logistics to provide 71626
workforce development, supply chain management, automation, 71627
research and development, and entrepreneurship to foster 71628
manufacturing and logistic industry jobs and company creation. 71629

Of the foregoing appropriation item 195503, Local Development 71630
Projects, \$300,000 in each fiscal year shall be used to support 71631
the Camp James A. Garfield Joint Military Training Center and the 71632
Youngstown Air Reserve Station. 71633

Of the foregoing appropriation item 195503, Local Development 71634
Projects, \$300,000 in each fiscal year shall be allocated to 71635
Cleveland Neighborhood Progress for the Cleveland Chain Reaction 71636
Project. 71637

Of the foregoing appropriation item 195503, Local Development 71638
Projects, \$250,000 in each fiscal year shall be allocated to 71639
Fulton County or the Fulton County Land Reutilization Corporation 71640
for a program to demolish vacant commercial or industrial 71641
buildings located in Fulton County. The state funding shall be 71642
matched on a 1:1 basis by funding from any of the following 71643
entities: Fulton County, the municipality, village or township 71644
where the project is located, or any private entities or nonprofit 71645
organizations. The program shall prioritize the demolition of 71646
blighted or nuisance commercial or industrial buildings at 71647
locations that are depressing the value of surrounding properties 71648
and locations that have the greatest potential for new 71649
construction or development. 71650

Of the foregoing appropriation item 195503, Local Development 71651
Projects, \$150,000 in each fiscal year shall be allocated to the 71652
Stark County Minority Business Association to work in partnership 71653
with the Canton Regional Chamber of Commerce to support a 71654
demonstration pilot project. 71655

Of the foregoing appropriation item 195503, Local Development 71656
Projects, \$100,000 in fiscal year 2022 shall be allocated to the 71657
Medina County Board of Commissioners to support the financing of a 71658
homeless shelter in the county. 71659

Of the foregoing appropriation item 195503, Local Development 71660
Projects, \$50,000 in fiscal year 2022 shall be granted to the 71661
Adams County Community Foundation. 71662

OHIO-ISRAEL AGRICULTURAL INITIATIVE 71663

The foregoing appropriation item 195537, Ohio-Israel 71664
Agricultural Initiative, shall be used for the Ohio-Israel 71665
Agricultural Initiative. The appropriation shall not be used for 71666
travel and entertainment expenses incurred under the initiative. 71667

SECTOR PARTNERSHIP NETWORKS 71668

The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code. 71669
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Notwithstanding section 122.179 of the Revised Code, of the foregoing appropriation item 195553, Industry Sector Partnerships, \$46,250 in each fiscal year shall be allocated to Jewish Vocational Service of Cincinnati to support workforce development costs involved with assisting in employment services for the financially indigent. 71672
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On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of the fiscal year 2022 appropriation to the foregoing appropriation item. The certified amount is hereby reappropriated to the foregoing appropriation item in fiscal year 2023. 71678
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TECHCRED PROGRAM 71684

The foregoing appropriation item 195556, TechCred Program, shall be used for the TechCred Program under section 122.178 of the Revised Code. 71685
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MAIN STREET JOB RECOVERY PROGRAM 71688

The foregoing appropriation item 195566, Main Street Job Recovery Program, shall be used by the Department of Development or in coordination with a statewide community development organization to provide grants to nonprofit organizations to create permanent business development and employment opportunities targeted to low- and moderate-income individuals or individuals of the reentry population. Grants shall be awarded by the Department based on the following criteria: (1) number of businesses created and expanded, (2) number of jobs created for low- and moderate-income individuals, and (3) the amount of funds leveraged as a result of the program. 71689
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Not later than June 30 of each year during the FY 2022-FY 2023 biennium, the Department of Development shall submit a written report describing the outcomes of the Main Street Job Recovery Program to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Legislative Service Commission.

RESIDENTIAL BROADBAND EXPANSION GRANTS

The foregoing appropriation item 195651, Residential Broadband Expansion Grants, shall be used to make grants to expand broadband service.

Of the foregoing appropriation item 195651, Residential Broadband Expansion Grants, up to \$2,000,000 in the biennium ending June 30, 2023, may be used for a statewide initiative to support providing behavioral health in schools through telehealth.

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 71730
SERVICE 71731

The foregoing appropriation item 195912, Job Ready Site 71732
Development General Obligation Bond Debt Service, shall be used to 71733
pay all debt service and related financing costs during the period 71734
from July 1, 2021, through June 30, 2023, on obligations issued 71735
under sections 151.01 and 151.11 of the Revised Code. 71736

Section 259.30. MINORITY BUSINESS BONDING FUND 71737

Notwithstanding Chapters 122., 169., and 175. of the Revised 71738
Code, the Director of Development may, upon the recommendation of 71739
the Minority Development Financing Advisory Board, pledge up to 71740
\$10,000,000 in the biennium ending June 30, 2023, of unclaimed 71741
funds administered by the Director of Commerce and allocated to 71742
the Minority Business Bonding Program under section 169.05 of the 71743
Revised Code. 71744

If needed for the payment of losses arising from the Minority 71745
Business Bonding Program, the Director of Budget and Management 71746
may, at the request of the Director of Development, request that 71747
the Director of Commerce transfer unclaimed funds that have been 71748
reported by holders of unclaimed funds under section 169.05 of the 71749
Revised Code to the Minority Bonding Fund (Fund 4490). The 71750
transfer of unclaimed funds shall only occur after proceeds of the 71751
initial transfer of \$2,700,000 by the Controlling Board to the 71752
Minority Business Bonding Program have been used for that purpose. 71753
If expenditures are required for payment of losses arising from 71754
the Minority Business Bonding Program, such expenditures shall be 71755
made from appropriation item 195658, Minority Business Bonding 71756
Contingency in the Minority Business Bonding Fund, and such 71757
amounts are hereby appropriated. 71758

BUSINESS ASSISTANCE PROGRAMS 71759

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division and Business Services Division.

MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

MBD FINANCIAL ASSISTANCE FUND

On July 1, 2021, or as soon as possible thereafter, the 71790
Director of Budget and Management may transfer \$20,000,000 cash 71791
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 71792
to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby 71793
created in the state treasury. All repayments from loans using 71794
Fund 5XH0 shall be credited to the fund. 71795

MINORITY BUSINESS MICROLOAN 71796

The foregoing appropriation item 195694, Micro-Enterprise 71797
Loan, shall be used to operate the Minority Business Microloan 71798
Program. 71799

WOMEN-OWNED BUSINESS LOAN 71800

The foregoing appropriation item 195632, Women-Owned Business 71801
Loan, shall be used to operate the Women-Owned Business Loan 71802
Program. 71803

ENTERTAINMENT VENUES 71804

The foregoing appropriation item 195608, Entertainment 71805
Venues, shall be used by the Department of Development to provide 71806
grants to entertainment venues impacted by the COVID-19 pandemic. 71807
Grants shall be awarded in amounts of \$10,000, \$20,000, and 71808
\$30,000. Awards shall be based on factors such as demonstrated 71809
loss of revenue due to canceled events or performances. 71810

BAR AND RESTAURANT ASSISTANCE 71811

The foregoing appropriation item 195677, Bar and Restaurant 71812
Assistance, shall be used by the Department of Development to 71813
provide grants to bars and restaurants that have been impacted by 71814
the COVID-19 pandemic. Grants shall be awarded in amounts of 71815
\$10,000, \$20,000, and \$30,000 and shall be awarded based on 71816
factors such as demonstrated loss of revenue and the number of 71817
employees eligible bars and restaurants employ. 71818

LODGING INDUSTRY GRANTS 71819

The foregoing appropriation item 195685, Lodging Industry Grants, shall be used by the Department of Development to provide grants for lodging industry businesses impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as a demonstrated loss of revenue and occupancy rates.

NEW BUSINESS RELIEF GRANT

The foregoing appropriation item 195697, New Business Relief Grant, shall be used by the Department of Development to provide relief grants of \$10,000 for new businesses in this state opening after January 1, 2020.

RESIDENTIAL BROADBAND EXPANSION GRANTS

The foregoing appropriation item 195567, Residential Broadband Expansion Grants, shall be used for grants under the Ohio Residential Broadband Expansion Grant Program established in section 122.401 of the Revised Code.

Any unexpended and unencumbered portion of the foregoing appropriation item 195567, Residential Broadband Expansion Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

MEAT PROCESSING INVESTMENT PROGRAM

The foregoing appropriation item 195408, Meat Processing Investment Program, shall be used to make grants to meat processing plants for facility improvements and capacity expansion, including but not limited to equipment purchases or upgrades, training, and process improvements.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the

Volume Cap Administration Fund (Fund 6170) shall consist of 71850
application fees, forfeited deposits, and interest earned from the 71851
custodial account held by the Treasurer of State. 71852

Section 259.40. SUPPORTIVE SERVICES FUND 71853

On July 1 of each year in the biennium ending June 30, 2023, 71854
or as soon as possible thereafter, respectively, the Director of 71855
Budget and Management may transfer up to \$2,000,000 from the State 71856
Special Projects Fund (Fund 4F20) to the Supportive Services Fund 71857
(Fund 1350). 71858

DEVELOPMENT SERVICES OPERATIONS 71859

The Director of Development may assess offices of the 71860
department for the cost of central service operations. An 71861
assessment shall contain the characteristics of administrative 71862
ease and uniform application. A division's payments shall be 71863
credited to the Supportive Services Fund (Fund 1350) using an 71864
intrastate transfer voucher. 71865

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 71866

The foregoing appropriation item 195636, Development Services 71867
Reimbursable Expenditures, shall be used for reimbursable costs 71868
incurred by the department. Revenues to the General Reimbursement 71869
Fund (Fund 6850) shall consist of moneys charged for 71870
administrative costs that are not central service costs and 71871
repayments of loans, including the interest thereon, made from the 71872
Water and Sewer Fund (Fund 4440). 71873

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 71874

The foregoing appropriation item 195628, Capital Access Loan 71875
Program, shall be used for operating, program, and administrative 71876
expenses of the program. Capital Access Loan Program funds shall 71877
be used in accordance with section 122.603 of the Revised Code to 71878

assist participating financial institutions in making program 71879
loans to eligible businesses that face barriers in accessing 71880
working capital and obtaining fixed-asset financing. 71881

The Director of Budget and Management may transfer an amount 71882
not to exceed \$2,000,000 cash in each fiscal year between the 71883
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 71884
Access Loan Fund (Fund 5S90), subject to Controlling Board 71885
approval. 71886

INNOVATION OHIO 71887

The foregoing appropriation item 195664, Innovation Ohio, 71888
shall be used to provide for Innovation Ohio purposes, including 71889
loan guarantees and loans under Chapter 166. and particularly 71890
sections 166.12 to 166.16 of the Revised Code. 71891

RESEARCH AND DEVELOPMENT 71892

The foregoing appropriation item 195665, Research and 71893
Development, shall be used to provide for research and development 71894
purposes, including loans, under Chapter 166. and particularly 71895
sections 166.17 to 166.21 of the Revised Code. 71896

FACILITIES ESTABLISHMENT 71897

The foregoing appropriation item 195615, Facilities 71898
Establishment, shall be used for the purposes of the Facilities 71899
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 71900
Code. In the biennium ending June 30, 2023, notwithstanding 71901
sections 127.14 and 131.35 of the Revised Code, the Controlling 71902
Board may authorize expenditures, in excess of the amount 71903
appropriated, using the Facilities Establishment Fund (Fund 7037) 71904
for purposes consistent with Chapter 166. of the Revised Code. The 71905
amounts authorized by the Controlling Board are hereby 71906
appropriated. 71907

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 71908

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$8,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The cash transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

Section 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third

Frontier Research & Development Taxable Bond Project Fund (Fund 7014).	71940 71941
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS	71942 71943
The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used to fund selected projects which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of Fund 7011 and Fund 7014 are to be applied.	71944 71945 71946 71947 71948 71949
TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	71950
The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	71951 71952 71953 71954 71955 71956
In fiscal year 2023, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2023. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2023.	71957 71958 71959 71960 71961 71962 71963 71964 71965 71966 71967 71968 71969

Section 259.70. HEAP WEATHERIZATION 71970

Up to twenty-five per cent of the federal funds deposited to 71971
the credit of the Home Energy Assistance Block Grant Fund (Fund 71972
3K90) may be expended from appropriation item 195614, HEAP 71973
Weatherization, to provide home weatherization services in the 71974
state as determined by the Director of Development. 71975

Section 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND 71976

On July 1, 2021, or as soon as possible thereafter, the 71977
Director of Development, in consultation with the Treasurer of 71978
State, shall certify to the Director of Budget and Management the 71979
amount of bond proceeds collected under Chapter 3366. of the 71980
Revised Code in the semiannual period beginning January 1, 2021, 71981
and ending June 30, 2021. The Director of Budget and Management 71982
shall transfer an amount of cash equal to the certified amount 71983
from the fund designated by the Treasurer of State to receive the 71984
bond proceeds collected under Chapter 3366. of the Revised Code to 71985
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 71986

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 71987

General Revenue Fund 71988

GRF	320411	Special Olympics	\$	100,000	\$	100,000	71989
GRF	320412	Protective Services	\$	2,450,000	\$	2,600,000	71990
GRF	320415	Developmental	\$	27,000,000	\$	27,000,000	71991
		Disabilities					
		Facilities Lease					
		Rental Bond Payments					
GRF	322421	Part C Early	\$	23,326,431	\$	23,326,431	71992
		Intervention					
GRF	322422	Multi System Youth	\$	2,500,000	\$	4,000,000	71993
GRF	322508	Employment First	\$	2,700,000	\$	2,700,000	71994

		Initiative				
GRF	322509	Community Supports and Rental Assistance	\$ 2,200,000	\$ 700,000		71995
GRF	653321	Medicaid Program Support - State	\$ 7,000,000	\$ 7,000,000		71996
GRF	653407	Medicaid Services	\$ 638,719,925	\$ 708,798,307		71997
TOTAL GRF		General Revenue Fund	\$ 705,996,356	\$ 776,224,738		71998
Dedicated Purpose Fund Group						71999
2210	322620	Supplement Service Trust	\$ 500,000	\$ 500,000		72000
4890	653632	Developmental Centers Direct Care Services	\$ 7,000,000	\$ 7,000,000		72001
5DK0	322629	Capital Replacement Facilities	\$ 750,000	\$ 750,000		72002
5EV0	653627	Medicaid Program Support	\$ 2,500,000	\$ 2,500,000		72003
5GE0	320606	Central Office Operating Expenses	\$ 20,500,000	\$ 20,500,000		72004
5GE0	653606	ICF/IID and Waiver Match	\$ 60,100,000	\$ 60,100,000		72005
5H00	322619	Medicaid Repayment	\$ 900,000	\$ 900,000		72006
5S20	653622	Medicaid Administration & Oversight	\$ 29,000,000	\$ 30,000,000		72007
5Z10	653624	County Board Waiver Match	\$ 420,000,000	\$ 482,000,000		72008
TOTAL DPF		Dedicated Purpose Fund Group	\$ 541,250,000	\$ 604,250,000		72009
Internal Service Activity Fund Group						72010
1520	653609	DC and Residential Facilities Operating Services	\$ 11,000,000	\$ 12,000,000		72011

TOTAL ISA Internal Service Activity	\$	11,000,000	\$	12,000,000	72012
Fund Group					
Federal Fund Group					72013
3250 322612 Community Social	\$	26,997,635	\$	26,997,635	72014
Service Programs					
3A40 653654 Medicaid Services	\$	2,203,280,075	\$	2,203,201,693	72015
3A40 653655 Medicaid Support	\$	73,000,000	\$	76,000,000	72016
3A50 320613 Developmental	\$	3,200,000	\$	3,200,000	72017
Disabilities Council					
TOTAL FED Federal Fund Group	\$	2,306,477,710	\$	2,309,399,328	72018
TOTAL ALL BUDGET FUND GROUPS	\$	3,564,724,066	\$	3,701,874,066	72019

Section 261.20. SPECIAL OLYMPICS 72021

The foregoing appropriation item 320411, Special Olympics, 72022
shall be distributed to the Special Olympics of Ohio. 72023

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 72024

LEASE-RENTAL BOND PAYMENTS 72025

The foregoing appropriation item 320415, Developmental 72026
Disabilities Facilities Lease Rental Bond Payments, shall be used 72027
to meet all payments during the period from July 1, 2021, through 72028
June 30, 2023, by the Department of Developmental Disabilities 72029
pursuant to leases and agreements made under section 154.20 of the 72030
Revised Code. These appropriations are the source of funds pledged 72031
for bond service charges on related obligations issued under 72032
Chapter 154. of the Revised Code. 72033

Section 261.35. PART C EARLY INTERVENTION 72034

Of the foregoing appropriation item 322421, Part C Early 72035
Intervention, \$1,000,000 in each fiscal year shall be used to 72036
contract with the Cleveland Sight Center, the Cincinnati 72037
Association for the Blind and Visually Impaired, and the Sight 72038

Center of Northwest Ohio to provide early intervention special 72039
instruction services and family support to children under the age 72040
of three years old with blindness or low vision. 72041

Section 261.40. MULTI-SYSTEM YOUTH 72042

Of the foregoing appropriation item 322422, Multi-System 72043
Youth, a portion may be used to provide a subsidy to eligible 72044
county boards of developmental disabilities for the provision of 72045
respite services and other services and supports for youth with 72046
complex or multi-system needs to enable them to remain in their 72047
homes with their families or in their communities. The Director of 72048
Developmental Disabilities shall establish the total amount 72049
available for the subsidy, a formula for distributing the subsidy 72050
to eligible county boards, and the eligibility requirements county 72051
boards must satisfy to receive the subsidy. 72052

Section 261.50. EMPLOYMENT FIRST INITIATIVE 72053

The foregoing appropriation item 322508, Employment First 72054
Initiative, shall be used to increase employment opportunities for 72055
individuals with developmental disabilities through the Employment 72056
First Initiative in accordance with section 5123.022 of the 72057
Revised Code. 72058

Of the foregoing appropriation item, 322508, Employment First 72059
Initiative, the Director of Developmental Disabilities shall 72060
transfer, in each fiscal year, to the Opportunities for Ohioans 72061
with Disabilities Agency an amount agreed upon by the Director of 72062
Developmental Disabilities and the Executive Director of the 72063
Opportunities for Ohioans with Disabilities Agency. The transfer 72064
shall be made via an intrastate transfer voucher. The transferred 72065
funds shall be used to support the Employment First Initiative. 72066
The Opportunities for Ohioans with Disabilities Agency shall use 72067
the funds transferred as state matching funds to obtain available 72068

federal grant dollars for vocational rehabilitation services. Any 72069
federal match dollars received by the Opportunities for Ohioans 72070
with Disabilities Agency shall be used for the initiative. The 72071
Director of Developmental Disabilities and the Executive Director 72072
of the Opportunities for Ohioans with Disabilities Agency shall 72073
enter into an interagency agreement in accordance with section 72074
3304.181 of the Revised Code that will specify the 72075
responsibilities of each agency under the initiative. Under the 72076
interagency agreement, the Opportunities for Ohioans with 72077
Disabilities Agency shall retain responsibility for eligibility 72078
determination, order of selection, plan approval, plan amendment, 72079
and release of vendor payments. 72080

The remainder of appropriation item 322508, Employment First 72081
Initiative, shall be used to develop a long-term, sustainable 72082
system that places individuals with developmental disabilities in 72083
community employment, as defined in section 5123.022 of the 72084
Revised Code. 72085

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 72086

The foregoing appropriation item 322509, Community Supports 72087
and Rental Assistance, may be used by the Director of 72088
Developmental Disabilities to provide funding to county boards of 72089
developmental disabilities for rental assistance to individuals 72090
with developmental disabilities receiving home and community-based 72091
services as defined in section 5123.01 of the Revised Code 72092
pursuant to section 5124.60 of the Revised Code or section 5124.69 72093
of the Revised Code and individuals with developmental 72094
disabilities who enroll in a Medicaid waiver component providing 72095
home and community-based services after receiving preadmission 72096
counseling pursuant to section 5124.68 of the Revised Code. The 72097
Director shall establish the methodology for determining the 72098
amount and distribution of such funding. 72099

Section 261.70. MEDICAID SERVICES	72100
(A) As used in this section:	72101
(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	72102 72103
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	72104 72105
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	72106 72107 72108
(1) Home and community-based services;	72109
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	72110 72111 72112 72113
(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	72114 72115 72116 72117
(4) ICF/IID services; and	72118
(5) Other programs as identified by the Director of Developmental Disabilities.	72119 72120
Section 261.80. OPERATING AND SERVICES	72121
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	72122 72123 72124 72125
Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS	72126

A portion of the foregoing appropriation item 322612, 72127
Community Social Service Programs, may be used by the Early 72128
Intervention Services Advisory Council for the following purposes: 72129

(A) In addition to other necessary and allowed uses of funds 72130
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 72131
Services Advisory Council established pursuant to section 72132
5123.0422 of the Revised Code, may, in its discretion, use 72133
budgeted funds to do all of the following: 72134

(1) Conduct forums and hearings; 72135

(2) Reimburse council members for reasonable and necessary 72136
expenses, including child care expenses for parent 72137
representatives, for attending council meetings and performing 72138
council duties; 72139

(3) Pay compensation to a council member if the member is not 72140
employed or must forfeit wages from other employment when 72141
performing official council business; 72142

(4) Hire staff; 72143

(5) Obtain the services of professional, technical, and 72144
clerical personnel as necessary to carry out the performance of 72145
its lawful functions. 72146

(B) Except as provided in division (A) of this section, 72147
council members shall serve without compensation or reimbursement. 72148

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 72149

As used in this section, "home and community-based services" 72150
has the same meaning as in section 5123.01 of the Revised Code. 72151

The Director of Developmental Disabilities shall establish a 72152
methodology to be used in fiscal year 2022 and fiscal year 2023 to 72153
estimate the quarterly amount each county board of developmental 72154
disabilities is to pay of the nonfederal share of home and 72155

community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2022 and fiscal year 2023, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio

Provider Resource Association, Ohio Association of County Boards 72186
of Developmental Disabilities, Ohio Health Care Association/Ohio 72187
Centers for Intellectual Disabilities, the Values and Faith 72188
Alliance, and ARC of Ohio. 72189

(B) The Director may not authorize a pilot project to be 72190
implemented in a manner that would cause the state to be out of 72191
compliance with any requirements for a program funded in whole or 72192
in part with federal funds. 72193

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 72194

(A) As used in this section, "ICF/IID," "ICF/IID services," 72195
and "Medicaid-certified capacity" have the same meanings as in 72196
section 5124.01 of the Revised Code. 72197

(B) The Director of Developmental Disabilities shall pay the 72198
nonfederal share of a claim for ICF/IID services using funds 72199
specified in division (C) of this section if all of the following 72200
apply: 72201

(1) Medicaid covers the ICF/IID services. 72202

(2) The ICF/IID services are provided to a Medicaid recipient 72203
to whom both of the following apply: 72204

(a) The Medicaid recipient is eligible for the ICF/IID 72205
services. 72206

(b) The Medicaid recipient does not occupy a bed in the 72207
ICF/IID that used to be included in the Medicaid-certified 72208
capacity of another ICF/IID certified by the Director of Health 72209
before June 1, 2003. 72210

(3) The ICF/IID services are provided by an ICF/IID whose 72211
Medicaid certification by the Director of Health was initiated or 72212
supported by a county board of developmental disabilities. 72213

(4) The provider of the ICF/IID services has a valid Medicaid 72214

provider agreement for the services for the time that the services are provided. 72215
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(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim: 72217
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72219

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made; 72220
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72222
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(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services. 72224
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Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 72229
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(A) As used in this section: 72231

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code. 72232
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(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 72236
72237

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options. 72238
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72240

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 72241
72242

(5) "Public hospital" has the same meaning as in section 72243

5122.01 of the Revised Code. 72244

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply: 72245
72246

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier. 72247
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72249

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section. 72250
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(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section. 72255
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(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee. 72260
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(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2021, and ending July 1, 2023, provides routine homemaker/personal care services to a qualifying IO enrollee. 72268
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(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to 72273
72274

pay the Medicaid payment rate determined in accordance with this 72275
section for routine homemaker/personal care services provided to 72276
qualifying IO enrollees. 72277

Section 261.150. FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID 72278
RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5 72279

(A) As used in this section: 72280

(1) "Change of operator," "entering operator," "exiting 72281
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 72282
group 1," "peer group 2," "peer group 3," "peer group 4," "peer 72283
group 5," "provider," and "provider agreement" have the same 72284
meanings as in section 5124.01 of the Revised Code. 72285

(2) "Franchise permit fee" means the fee imposed by sections 72286
5168.60 to 5168.71 of the Revised Code. 72287

(B)(1) This section applies to each ICF/IID that is in peer 72288
group 1, peer group 2, peer group 3, peer group 4, or peer group 5 72289
and to which any of the following, as applicable to a fiscal year, 72290
applies: 72291

(a) In the context of determining an ICF/IID's total Medicaid 72292
payment rate for fiscal year 2022, any of the following is the 72293
case: 72294

(i) The provider of the ICF/IID has a valid Medicaid provider 72295
agreement for the ICF/IID on June 30, 2021, and a valid Medicaid 72296
provider agreement for the ICF/IID during fiscal year 2022. 72297

(ii) The ICF/IID undergoes a change of operator that takes 72298
effect during fiscal year 2022, the existing operator has a valid 72299
Medicaid provider agreement for the ICF/IID on the day immediately 72300
preceding the effective date of the change of operator, and the 72301
entering operator has a valid Medicaid provider agreement for the 72302
ICF/IID during fiscal year 2022. 72303

(iii) The ICF/IID is a new ICF/IID for which the provider 72304

obtains an initial provider agreement during fiscal year 2022. 72305

(b) In the context of determining an ICF/IID's total Medicaid 72306
payment rate for fiscal year 2023, any of the following is the 72307
case: 72308

(i) The provider of the ICF/IID has a valid Medicaid provider 72309
agreement for the ICF/IID on June 30, 2022, and a valid Medicaid 72310
provider agreement for the ICF/IID during fiscal year 2023. 72311

(ii) The ICF/IID undergoes a change of operator that takes 72312
effect during fiscal year 2023, the existing operator has a valid 72313
Medicaid provider agreement for the ICF/IID on the day immediately 72314
preceding the effective date of the change of operator, and the 72315
entering operator has a valid Medicaid provider agreement for the 72316
ICF/IID during fiscal year 2023. 72317

(iii) The ICF/IID is a new ICF/IID for which the provider 72318
obtains an initial provider agreement during fiscal year 2023. 72319

(2) Notwithstanding Chapter 5124. of the Revised Code, the 72320
Department of Developmental Disabilities shall follow this section 72321
in determining the rate to be paid for ICF/IID services provided 72322
during fiscal years 2022 and 2023 by ICFs/IID subject to this 72323
section. 72324

(C) If the mean total per Medicaid day rate for all ICFs/IID 72325
to which the section applies, as determined under division (B) of 72326
this section, as of the first day of a fiscal year for which a 72327
rate is determined under this section and weighted by May Medicaid 72328
days from the calendar year in which the fiscal year begins, is 72329
greater than \$350.87, the Department shall adjust, for the fiscal 72330
year for which the rate is determined, the total per Medicaid day 72331
rate for each ICF/IID to which this section applies by a 72332
percentage by which the mean total per Medicaid day rate is 72333
greater than \$350.87. 72334

(D) If the United States Centers for Medicare and Medicaid 72335

Services requires that the franchise permit fee be reduced or 72336
eliminated, the Department shall reduce the amount it pays ICF/IID 72337
providers under this section as necessary to reflect the loss to 72338
the state of the revenue and federal financial participation 72339
generated from the franchise permit fee. 72340

(E) Of the foregoing appropriation items 653407, Medicaid 72341
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 72342
Services, portions shall be used to pay the Medicaid payment rates 72343
determined in accordance with this section for ICF/IID services 72344
provided during fiscal years 2022 and 2023. 72345

Section 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 72346
TECHNOLOGY FIRST INITIATIVE 72347

Of the foregoing appropriation item 322509, Community 72348
Supports and Rental Assistance, up to \$1,500,000 in fiscal year 72349
2022 may be used to increase access and utilization of innovative 72350
technology for individuals with developmental disabilities in 72351
accordance with the Technology First Initiative established in 72352
section 5123.025 of the Revised Code. An amount equal to the 72353
unexpended, unencumbered balance of this earmark at the end of 72354
fiscal year 2022 is hereby reappropriated to appropriation item 72355
322509, Community Supports and Rental Assistance, for the same 72356
purpose for fiscal year 2023. 72357

Section 261.170. PAYMENT RATES FOR ADULT DAY CARE SERVICES 72358

(A) The Department of Developmental Disabilities shall use 72359
\$5,000,000 in each fiscal year to increase the payment rates 72360
during fiscal year 2022 and fiscal year 2023 for the home and 72361
community-based services waiver adult day care services provided 72362
by Medicaid-funded and state-funded providers. 72363

(B) The Department of Developmental Disabilities shall 72364
establish a methodology for calculating the rate increase from the 72365

funds under division (A) of this section. 72366

Section 265.10. EDU DEPARTMENT OF EDUCATION 72367

General Revenue Fund 72368

GRF 200321 Operating Expenses \$ 15,140,623 \$ 15,140,623 72369

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 72370
Education

GRF 200420 Information Technology \$ 3,680,482 \$ 3,680,482 72371
Development and
Support

GRF 200422 School Management \$ 2,337,711 \$ 2,337,711 72372
Assistance

GRF 200424 Policy Analysis \$ 450,950 \$ 450,950 72373

GRF 200426 Ohio Educational \$ 15,107,422 \$ 15,107,422 72374
Computer Network

GRF 200427 Academic Standards \$ 3,883,525 \$ 3,883,525 72375

GRF 200437 Student Assessment \$ 56,282,168 \$ 56,282,168 72376

GRF 200439 Accountability/Report \$ 7,168,977 \$ 7,197,050 72377
Cards

GRF 200442 Child Care Licensing \$ 2,127,153 \$ 2,127,153 72378

GRF 200446 Education Management \$ 8,174,415 \$ 8,174,415 72379
Information System

GRF 200448 Educator Preparation \$ 6,574,384 \$ 6,574,384 72380

GRF 200455 Community Schools and \$ 4,412,546 \$ 4,412,546 72381
Choice Programs

GRF 200457 STEM Initiatives \$ 320,000 \$ 0 72382

GRF 200465 Education Technology \$ 4,881,854 \$ 4,881,854 72383
Resources

GRF 200478 Industry-Recognized \$ 20,500,000 \$ 20,500,000 72384
Credentials High
School Students

GRF 200502 Pupil Transportation \$ 656,379,809 \$ 680,379,809 72385

GRF 200503	Bus Purchase Allowance	\$	45,000,000	\$	45,000,000	72386
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	72387
GRF 200511	Auxiliary Services	\$	156,744,175	\$	158,591,274	72388
GRF 200532	Nonpublic	\$	70,813,735	\$	71,647,683	72389
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	180,850,000	\$	185,850,000	72390
	Enhancements					
GRF 200545	Career-Technical	\$	14,300,892	\$	18,500,892	72391
	Education Enhancements					
GRF 200550	Foundation Funding	\$	6,681,118,845	\$	6,769,118,845	72392
GRF 200566	Literacy Improvement	\$	1,052,172	\$	1,052,172	72393
GRF 200572	Adult Education	\$	9,152,210	\$	9,152,210	72394
	Programs					
GRF 200573	EdChoice Expansion	\$	92,179,867	\$	92,179,867	72395
GRF 200574	Half-Mill Maintenance	\$	17,464,102	\$	15,238,834	72396
	Equalization					
GRF 200576	Adaptive Sports	\$	250,000	\$	250,000	72397
	Program					
GRF 200597	Program and Project	\$	1,188,000	\$	1,188,000	72398
	Support					
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	72399
TOTAL GRF	General Revenue Fund	\$	8,154,914,284	\$	8,276,278,136	72400
	Dedicated Purpose Fund Group					72401
4520 200638	Charges and	\$	1,000,000	\$	1,000,000	72402
	Reimbursements					
4L20 200681	Teacher Certification	\$	14,000,000	\$	14,000,000	72403
	and Licensure					
5980 200659	Auxiliary Services	\$	1,300,000	\$	1,300,000	72404
	Reimbursement					
5H30 200687	School District	\$	2,000,000	\$	2,000,000	72405
	Solvency Assistance					
5KX0 200691	Ohio School	\$	1,250,000	\$	1,250,000	72406

		Sponsorship Program					
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000	72407
		Refunds					
5U20	200685	National Education	\$	175,000	\$	175,000	72408
		Statistics					
5VS0	200604	Student Wellness and	\$	500,000,000	\$	600,000,000	72409
		Success					
6200	200615	Educational	\$	600,000	\$	600,000	72410
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	520,875,000	\$	620,875,000	72411
		Group					
		Internal Service Activity Fund Group					72412
1380	200606	Information	\$	8,289,074	\$	8,537,746	72413
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766	72414
		Support					
4V70	200633	Interagency Program	\$	5,000,000	\$	5,000,000	72415
		Support					
TOTAL ISA		Internal Service Activity	\$	21,145,840	\$	21,394,512	72416
		Fund Group					
		State Lottery Fund Group					72417
7017	200612	Foundation Funding	\$	1,283,400,000	\$	1,287,400,000	72418
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000	72419
		Schools					
7017	200616	Literacy Improvement	\$	500,000	\$	500,000	72420
7017	200631	Quality Community	\$	30,000,000	\$	30,000,000	72421
		Schools Support					
7017	200684	Community School	\$	20,600,000	\$	20,600,000	72422
		Facilities					
TOTAL SLF		State Lottery Fund Group	\$	1,336,000,000	\$	1,340,000,000	72423

Federal Fund Group						72424	
3670	200607	School Food Services	\$	12,254,397	\$	12,611,321	72425
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000	72426
3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500	72427
3AN0	200671	School Improvement Grants	\$	17,000,000	\$	0	72428
3C50	200661	Early Childhood Education	\$	14,000,000	\$	14,000,000	72429
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000	72430
3EJ0	200622	Homeless Children Education	\$	3,600,000	\$	3,600,000	72431
3FE0	200669	Striving Readers	\$	2,000,000	\$	0	72432
3GE0	200674	Summer Food Service Program	\$	60,000,000	\$	30,000,000	72433
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,145,074	\$	5,145,074	72434
3HF0	200649	Federal Education Grants	\$	7,056,327	\$	7,056,327	72435
3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720	72436
3HL0	200678	Comprehensive Literacy State Development Program	\$	14,630,000	\$	14,630,000	72437
3HQ0	200627	Governor Emergency Education Relief - EDU	\$	30,104,684	\$	0	72438
3HS0	200640	Federal Coronavirus School Relief	\$	1,200,000,000	\$	1,200,000,000	72439
3L60	200617	Federal School Lunch	\$	430,837,000	\$	430,837,000	72440
3L70	200618	Federal School Breakfast	\$	163,350,081	\$	163,350,081	72441

3L80	200619	Child/Adult Food Programs	\$	113,328,580	\$	113,328,580	72442
3L90	200621	Career-Technical Education Basic Grant	\$	46,000,000	\$	46,000,000	72443
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	72444
3M20	200680	Individuals with Disabilities Education Act	\$	490,000,000	\$	500,000,000	72445
3T40	200613	Public Charter Schools	\$	4,500,000	\$	4,500,000	72446
3Y20	200688	21st Century Community Learning Centers	\$	43,000,000	\$	43,000,000	72447
3Y60	200635	Improving Teacher Quality	\$	77,000,000	\$	77,000,000	72448
3Y70	200689	English Language Acquisition	\$	11,000,000	\$	11,000,000	72449
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	72450
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000	72451
3Z30	200645	Consolidated Federal Grant Administration	\$	10,900,000	\$	10,900,000	72452
TOTAL FED	Federal Fund Group		\$	3,416,344,363	\$	3,347,596,603	72453
TOTAL ALL BUDGET FUND GROUPS			\$	13,449,279,487	\$	13,606,144,251	72454

Section 265.20. OPERATING EXPENSES 72456

A portion of the foregoing appropriation item 200321, 72457
 Operating Expenses, shall be used by the Department of Education 72458
 to provide matching funds related to career-technical education 72459
 under 20 U.S.C. 2321. 72460

EARLY CHILDHOOD EDUCATION 72461

The Department of Education shall distribute the foregoing 72462

appropriation item 200408, Early Childhood Education, to pay the 72463
costs of early childhood education programs. The Department shall 72464
distribute such funds directly to qualifying providers. 72465

(A) As used in this section: 72466

(1) "Provider" means a city, local, exempted village, or 72467
joint vocational school district; an educational service center; a 72468
community school established under Chapter 3314. of the Revised 72469
Code that is sponsored by an exemplary sponsor; notwithstanding 72470
anything to the contrary in Chapter 3326. of the Revised Code, a 72471
STEM school that is established under that chapter; a chartered 72472
nonpublic school; an early childhood education child care provider 72473
licensed under Chapter 5104. of the Revised Code that participates 72474
in and meets at least the third highest tier of the Step Up to 72475
Quality program established pursuant to section 5104.29 of the 72476
Revised Code; or a combination of entities described in this 72477
paragraph. 72478

(2) In the case of a city, local, or exempted village school 72479
district or early childhood education child care provider licensed 72480
under Chapter 5104. of the Revised Code, "new eligible provider" 72481
means a provider that did not receive state funding for Early 72482
Childhood Education in the previous fiscal year or demonstrates a 72483
need for early childhood programs as defined in division (D) of 72484
this section. 72485

(3) In the case of a community school, "new eligible 72486
provider" means either of the following: 72487

(a) A community school established under Chapter 3314. of the 72488
Revised Code that is sponsored by a sponsor rated "exemplary" in 72489
accordance with section 3314.016 of the Revised Code that offers a 72490
child care program in accordance with sections 3301.50 to 3301.59 72491
of the Revised Code that did not receive state funding for Early 72492
Childhood Education in the previous fiscal year; 72493

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 72494
72495

(i) It has received, on its most recent report card, either of the following: 72496
72497

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 72498
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(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 72503
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72505
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(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 72507
72508

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 72509
72510

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday. 72511
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(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per 72519
72520
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cent of the federal poverty guidelines as an eligible child. Upon 72525
approval from the Department, the provider may use the remaining 72526
award funds to serve such three-year-old children as eligible 72527
children. 72528

(5) "Early learning program standards" means early learning 72529
program standards for school readiness developed by the Department 72530
to assess the operation of early learning and development 72531
programs. 72532

(6) "Early learning and development programs" has the same 72533
meaning as in section 5104.29 of the Revised Code. 72534

(B) In each fiscal year, up to two per cent of the total 72535
appropriation may be used by the Department for program support 72536
and technical assistance. The Department shall distribute the 72537
remainder of the appropriation in each fiscal year to serve 72538
eligible children. 72539

(C) The Department shall provide an annual report to the 72540
Governor, the Speaker of the House of Representatives, and the 72541
President of the Senate and post the report to the Department's 72542
web site, regarding early childhood education programs operated 72543
under this section and the early learning program standards. 72544

(D) After setting aside the amounts to make payments due from 72545
the previous fiscal year, in fiscal year 2022, the Department 72546
shall distribute funds first to recipients of funds for early 72547
childhood education programs under Section 265.20 of H.B. 166 of 72548
the 133rd General Assembly in the previous fiscal year and the 72549
balance to new eligible providers of early childhood education 72550
programs or to existing providers to serve more eligible children 72551
pursuant to division (E) of this section or for purposes of 72552
program expansion, improvement, or special projects to promote 72553
quality and innovation. 72554

After setting aside the amounts to make payments due from the 72555

previous fiscal year, in fiscal year 2023, the Department shall 72556
distribute funds first to providers of early childhood education 72557
programs under this section in the previous fiscal year and the 72558
balance to new eligible providers or to existing providers to 72559
serve more eligible children as outlined under division (E) of 72560
this section or for purposes of program expansion, improvement, or 72561
special projects to promote quality and innovation. 72562

(E)(1) The Department shall distribute any new or remaining 72563
funding to existing providers of early childhood education 72564
programs or any new eligible providers in an effort to invest in 72565
high quality early childhood programs where there is a need as 72566
determined by the Department. The Department shall distribute the 72567
new or remaining funds to existing providers of early childhood 72568
education programs or any new eligible providers to serve 72569
additional eligible children based on community economic 72570
disadvantage, limited access to high quality preschool or 72571
childcare services, and demonstration of high quality preschool 72572
services as determined by the Department using new metrics 72573
developed pursuant to Ohio's Race to the Top—Early Learning 72574
Challenge Grant, awarded to the Department in December 2011. 72575

(2) Awards under divisions (D) and (E) of this section shall 72576
be distributed on a per-pupil basis, and in accordance with 72577
division (I) of this section. The Department may adjust the 72578
per-pupil amount so that the per-pupil amount multiplied by the 72579
number of eligible children enrolled and receiving services on the 72580
first day of December or the business day closest to that date 72581
equals the amount allocated under this section. 72582

(F) Costs for developing and administering an early childhood 72583
education program may not exceed fifteen per cent of the total 72584
approved costs of the program. 72585

All providers shall maintain such fiscal control and 72586
accounting procedures as may be necessary to ensure the 72587

disbursement of, and accounting for, these funds. The control of 72588
funds provided in this program, and title to property obtained, 72589
shall be under the authority of the approved provider for purposes 72590
provided in the program unless, as described in division (K) of 72591
this section, the program waives its right for funding or a 72592
program's funding is eliminated or reduced due to its inability to 72593
meet financial or early learning program standards. The approved 72594
provider shall administer and use such property and funds for the 72595
purposes specified. 72596

(G) The Department may examine a provider's financial and 72597
program records. If the financial practices of the program are not 72598
in accordance with standard accounting principles or do not meet 72599
financial standards outlined under division (F) of this section, 72600
or if the program fails to substantially meet the early learning 72601
program standards, meet a quality rating level in the Step Up to 72602
Quality program established pursuant to section 5104.29 of the 72603
Revised Code as prescribed by the Department, or exhibits below 72604
average performance as measured against the standards, the early 72605
childhood education program shall propose and implement a 72606
corrective action plan that has been approved by the Department. 72607
The approved corrective action plan shall be signed by the chief 72608
executive officer and the executive of the official governing body 72609
of the provider. The corrective action plan shall include a 72610
schedule for monitoring by the Department. Such monitoring may 72611
include monthly reports, inspections, a timeline for correction of 72612
deficiencies, and technical assistance to be provided by the 72613
Department or obtained by the early childhood education program. 72614
The Department may withhold funding pending corrective action. If 72615
an early childhood education program fails to satisfactorily 72616
complete a corrective action plan, the Department may deny 72617
expansion funding to the program or withdraw all or part of the 72618
funding to the program and establish a new eligible provider 72619
through a selection process established by the Department. 72620

(H)(1) If the early childhood education program is licensed 72621
by the Department of Education and is not highly rated, as 72622
determined by the Director of Job and Family Services, under the 72623
Step Up to Quality program established pursuant to section 5104.29 72624
of the Revised Code, the program shall do all of the following: 72625

(a) Meet teacher qualification requirements prescribed by 72626
section 3301.311 of the Revised Code; 72627

(b) Align curriculum to the early learning content standards 72628
developed by the Department; 72629

(c) Meet any child or program assessment requirements 72630
prescribed by the Department; 72631

(d) Require teachers, except teachers enrolled and working to 72632
obtain a degree pursuant to section 3301.311 of the Revised Code, 72633
to attend a minimum of twenty hours every two years of 72634
professional development as prescribed by the Department; 72635

(e) Document and report child progress as prescribed by the 72636
Department; 72637

(f) Meet and report compliance with the early learning 72638
program standards as prescribed by the Department; 72639

(g) Participate in the Step Up to Quality program established 72640
pursuant to section 5104.29 of the Revised Code. 72641

(2) If the program is highly rated, as determined by the 72642
Director of Job and Family Services, under the Step Up to Quality 72643
program established pursuant to section 5104.29 of the Revised 72644
Code, the program shall comply with the requirements of that 72645
program. 72646

(I) Per-pupil funding for programs subject to this section 72647
shall be sufficient to provide eligible children with services for 72648
a standard early childhood schedule which shall be defined in this 72649
section as a minimum of twelve and one-half hours per school week 72650

as defined in section 3313.62 of the Revised Code for the minimum 72651
school year as defined in sections 3313.48, 3313.481, and 3313.482 72652
of the Revised Code. Nothing in this section shall be construed to 72653
prohibit program providers from utilizing other funds to serve 72654
eligible children in programs that exceed the twelve and one-half 72655
hours per week or that exceed the minimum school year. For any 72656
provider for which a standard early childhood education schedule 72657
creates a hardship or for which the provider shows evidence that 72658
the provider is working in collaboration with a preschool special 72659
education program, the provider may submit a waiver to the 72660
Department requesting an alternate schedule. If the Department 72661
approves a waiver for an alternate schedule that provides services 72662
for less time than the standard early childhood education 72663
schedule, the Department may reduce the provider's annual 72664
allocation proportionately. Under no circumstances shall an annual 72665
allocation be increased because of the approval of an alternate 72666
schedule. 72667

(J) Each provider shall develop a sliding fee scale based on 72668
family incomes and shall charge families who earn more than two 72669
hundred per cent of the federal poverty guidelines, as defined in 72670
division (A)(3) of section 5101.46 of the Revised Code, for the 72671
early childhood education program. 72672

The Department shall conduct an annual survey of each 72673
provider to determine whether the provider charges families 72674
tuition or fees, the amount families are charged relative to 72675
family income levels, and the number of families and students 72676
charged tuition and fees for the early childhood program. 72677

(K) If an early childhood education program voluntarily 72678
waives its right for funding, or has its funding eliminated for 72679
not meeting financial standards or the early learning program 72680
standards, the provider shall transfer control of title to 72681
property, equipment, and remaining supplies obtained through the 72682

program to providers designated by the Department and return any 72683
unexpended funds to the Department along with any reports 72684
prescribed by the Department. The funding made available from a 72685
program that waives its right for funding or has its funding 72686
eliminated or reduced may be used by the Department for new grant 72687
awards or expansion grants. The Department may award new grants or 72688
expansion grants to eligible providers who apply. The eligible 72689
providers who apply must do so in accordance with the selection 72690
process established by the Department. 72691

(L) Eligible expenditures for the Early Childhood Education 72692
Program shall be claimed each fiscal year to help meet the state's 72693
TANF maintenance of effort requirement. The Superintendent of 72694
Public Instruction and the Director of Job and Family Services 72695
shall enter into an interagency agreement to carry out the 72696
requirements under this division, which shall include developing 72697
reporting guidelines for these expenditures. 72698

(M)(1) The Department of Education and the Department of Job 72699
and Family Services shall continue to work toward establishing the 72700
following in common between early childhood education programs and 72701
publicly funded child care: 72702

(a) An application; 72703

(b) Program eligibility; 72704

(c) Funding; 72705

(d) An attendance policy; 72706

(e) An attendance tracking system. 72707

(2) In accordance with section 5104.34 of the Revised Code, 72708
eligible families may receive publicly funded child care beyond 72709
the standard early childhood schedule defined in division (I) of 72710
this section. 72711

(3) All providers, agencies, and school districts 72712

participating in the early childhood education program or 72713
providing care to eligible families beyond the standard early 72714
childhood schedule shall follow the common policies established 72715
under this division. 72716

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 72717
SUPPORT 72718

The foregoing appropriation item 200420, Information 72719
Technology Development and Support, shall be used to support the 72720
development and implementation of information technology solutions 72721
designed to improve the performance and services of the Department 72722
of Education. Funds may be used for personnel, maintenance, and 72723
equipment costs related to the development and implementation of 72724
these technical system projects. Implementation of these systems 72725
shall allow the Department to provide greater levels of assistance 72726
to school districts and to provide more timely information to the 72727
public, including school districts, administrators, and 72728
legislators. Funds may also be used to support data-driven 72729
decision-making and differentiated instruction, as well as to 72730
communicate academic content standards and curriculum models to 72731
schools through web-based applications. 72732

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 72733

The foregoing appropriation item 200422, School Management 72734
Assistance, shall be used by the Department of Education to 72735
provide fiscal technical assistance and inservice education for 72736
school district management personnel and to administer, monitor, 72737
and implement the fiscal caution, fiscal watch, and fiscal 72738
emergency provisions under Chapter 3316. of the Revised Code. 72739

Section 265.60. POLICY ANALYSIS 72740

The foregoing appropriation item 200424, Policy Analysis, 72741

shall be used by the Department of Education to support a system 72742
of administrative and statistical education information to be used 72743
for policy analysis. Staff supported by this appropriation shall 72744
administer the development of reports, analyses, and briefings 72745
regarding current trends in education practice, efficient and 72746
effective use of resources, and evaluation of programs to improve 72747
education results. A portion of these funds shall be used to 72748
maintain a longitudinal database to support the assessment of the 72749
impact of policies and programs on Ohio's education and workforce 72750
development systems. The research efforts supported by this 72751
appropriation item shall be used to supply information and 72752
analysis of data to and in consultation with the General Assembly 72753
and other state policymakers, including the Office of Budget and 72754
Management and the Legislative Service Commission. 72755

A portion of the foregoing appropriation item, 200424, Policy 72756
Analysis, may be used by the Department to support the development 72757
and implementation of an evidence-based clearinghouse to support 72758
school improvement strategies as part of the Every Student 72759
Succeeds Act. 72760

The Department may use funding from this appropriation item 72761
to purchase or contract for the development of software systems or 72762
contract for policy studies that will assist in the provision and 72763
analysis of policy-related information. Funding from this 72764
appropriation item also may be used to monitor and enhance quality 72765
assurance for research-based policy analysis and program 72766
evaluation to enhance the effective use of education information 72767
to inform education policymakers. 72768

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 72769

The foregoing appropriation item 200426, Ohio Educational 72770
Computer Network, shall be used by the Department of Education to 72771
maintain a system of information technology throughout Ohio and to 72772

provide technical assistance for such a system. 72773

Of the foregoing appropriation item 200426, Ohio Educational 72774
Computer Network, up to \$9,686,658 in each fiscal year shall be 72775
used by the Department to support connection of all public school 72776
buildings and participating chartered nonpublic schools to the 72777
state's education network, to each other, and to the Internet. In 72778
each fiscal year, the Department shall use these funds to assist 72779
information technology centers or school districts with the 72780
operational costs associated with this connectivity. The 72781
Department shall develop a formula and guidelines for the 72782
distribution of these funds to information technology centers or 72783
individual school districts. As used in this section, "public 72784
school building" means a school building of any city, local, 72785
exempted village, or joint vocational school district, any 72786
community school established under Chapter 3314. of the Revised 72787
Code, any college preparatory boarding school established under 72788
Chapter 3328. of the Revised Code, any STEM school established 72789
under Chapter 3326. of the Revised Code, any educational service 72790
center building used for instructional purposes, the Ohio School 72791
for the Deaf and the Ohio School for the Blind, high schools 72792
chartered by the Ohio Department of Youth Services, or high 72793
schools operated by Ohio Department of Rehabilitation and 72794
Corrections' Ohio Central School System. 72795

Of the foregoing appropriation item 200426, Ohio Educational 72796
Computer Network, up to \$4,843,329 in each fiscal year shall be 72797
used, through a formula and guidelines devised by the Department, 72798
to support the activities of designated information technology 72799
centers, as defined by State Board of Education rules, to provide 72800
school districts and chartered nonpublic schools with 72801
computer-based student and teacher instructional and 72802
administrative information services, including approved 72803
computerized financial accounting, to ensure the effective 72804

operation of local automated administrative and instructional 72805
systems, and to monitor and support the quality of data submitted 72806
to the Department. 72807

The remainder of appropriation item 200426, Ohio Educational 72808
Computer Network, shall be used to support the work of the 72809
development, maintenance, and operation of a network of uniform 72810
and compatible computer-based information systems as well as the 72811
teacher student linkage/roster verification process and systems to 72812
support electronic sharing of student records and transcripts 72813
between entities. This technical assistance shall include, but not 72814
be restricted to, development and maintenance of adequate computer 72815
software systems to support network activities. In order to 72816
improve the efficiency of network activities, the Department and 72817
information technology centers may jointly purchase equipment, 72818
materials, and services from funds provided under this 72819
appropriation for use by the network and, when considered 72820
practical by the Department, may utilize the services of 72821
appropriate state purchasing agencies. 72822

Section 265.80. ACADEMIC STANDARDS 72823

The foregoing appropriation item 200427, Academic Standards, 72824
shall be used by the Department of Education to develop and 72825
communicate to school districts academic content standards and 72826
curriculum models and to develop professional development programs 72827
and other tools on the new content standards and model curriculum. 72828
The Department shall use a portion of these funds in partnership 72829
with educational service centers, consistent with requirements of 72830
section 3312.01 of the Revised Code, in the development and 72831
delivery of professional development programs supported under this 72832
section. 72833

Section 265.90. STUDENT ASSESSMENT 72834

Of the foregoing appropriation item 200437, Student 72835
Assessment, up to \$2,760,000 in each fiscal year may be used to 72836
support the state's early learning assessment work and the 72837
assessments required under section 3301.0715 of the Revised Code. 72838

Of the foregoing appropriation item 200437, Student 72839
Assessment, up to \$543,168 in each fiscal year shall be used to 72840
reimburse a portion of the costs associated with Advanced 72841
Placement tests for low-income students. 72842

The remainder of appropriation item 200437, Student 72843
Assessment, shall be used to develop, field test, print, 72844
distribute, score, report results, and support other associated 72845
costs for the tests required under sections 3301.0710, 3301.0711, 72846
and 3301.0712 of the Revised Code and for similar purposes as 72847
required by section 3301.27 of the Revised Code. The funds may 72848
also be used to update and develop diagnostic assessments 72849
administered under sections 3301.079, 3301.0715, and 3313.608 of 72850
the Revised Code. 72851

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 72852
ASSESSMENT 72853

In fiscal year 2022 and fiscal year 2023, if the 72854
Superintendent of Public Instruction determines that additional 72855
funds are needed to fully fund the requirements of sections 72856
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 72857
and this act for assessments of student performance, the 72858
Superintendent may recommend to the Director of Budget and 72859
Management the reallocation of unexpended and unencumbered General 72860
Revenue Fund appropriations within the Department of Education to 72861
appropriation item 200437, Student Assessment. If the Director 72862
determines that such a reallocation is required, the Director may 72863
transfer unexpended and unencumbered appropriations within the 72864
Department of Education as necessary to appropriation item 200437, 72865
Student Assessment. 72866

Section 265.100. ACCOUNTABILITY/REPORT CARDS 72867

Of the foregoing appropriation item 200439, 72868
Accountability/Report Cards, a portion in each fiscal year shall 72869
be used to train district and regional specialists and district 72870
educators in the use of the value-added progress dimension and in 72871
the use of data as it relates to improving student achievement. 72872
This training may include teacher and administrator professional 72873
development in the use of data to improve instruction and student 72874
learning, and teacher and administrator training in understanding 72875
teacher value-added reports and how they can be used as a 72876
component in measuring teacher and administrator effectiveness. A 72877
portion of this funding shall be provided to educational service 72878
centers to support training and professional development under 72879
this section consistent with section 3312.01 of the Revised Code. 72880

The remainder of appropriation item 200439, 72881
Accountability/Report Cards, shall be used by the Department of 72882
Education to incorporate a statewide value-added progress 72883
dimension into performance ratings for school districts and for 72884
the development of an accountability system that includes the 72885
preparation and distribution of school report cards, funding and 72886
expenditure accountability reports under sections 3302.03 and 72887
3302.031 of the Revised Code, the development and maintenance of 72888
teacher value-added reports, the teacher student linkage/roster 72889
verification process, and the performance management section of 72890
the Department's web site required by section 3302.26 of the 72891
Revised Code. 72892

CHILD CARE LICENSING 72893

The foregoing appropriation item 200442, Child Care 72894
Licensing, shall be used by the Department of Education to license 72895
and to inspect preschool and school-age child care programs under 72896
sections 3301.52 to 3301.59 of the Revised Code. 72897

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 72898

The foregoing appropriation item 200446, Education Management 72899
Information System, shall be used by the Department of Education 72900
to improve the Education Management Information System (EMIS). 72901

Of the foregoing appropriation item 200446, Education 72902
Management Information System, up to \$400,000 in each fiscal year 72903
shall be used to support grants to information technology centers 72904
to provide professional development opportunities to district and 72905
school personnel related to the EMIS, with a focus placed on data 72906
submission and data quality. 72907

Of the foregoing appropriation item 200446, Education 72908
Management Information System, up to \$725,000 in each fiscal year 72909
shall be distributed to designated information technology centers 72910
for costs relating to processing, storing, and transferring data 72911
for the effective operation of the EMIS. These costs may include, 72912
but are not limited to, personnel, hardware, software development, 72913
communications connectivity, professional development, and support 72914
services. 72915

The remainder of appropriation item 200446, Education 72916
Management Information System, shall be used to develop and 72917
support the data definitions and standards outlined in the EMIS 72918
guidelines adopted under section 3301.0714 of the Revised Code, to 72919
implement recommendations of the EMIS Advisory Council and the 72920
Superintendent of Public Instruction, to enhance data quality 72921
assurance practices, and to support responsibilities related to 72922
the school report cards prescribed by section 3302.03 of the 72923
Revised Code and value-added progress dimension calculations. 72924

Section 265.120. EDUCATOR PREPARATION 72925

(A) Of the foregoing appropriation item 200448, Educator 72926
Preparation, up to \$339,783 in each fiscal year may be used by the 72927

Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act. 72928
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(B) Of the foregoing appropriation item 200448, Educator Preparation, up to \$67,957 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code. 72930
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(C) Of the foregoing appropriation item 200448, Educator Preparation, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio. 72936
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(D) Of the foregoing appropriation item 200448, Educator Preparation, \$1,000,000 in each fiscal year shall be used for the Bright New Leaders for Ohio Schools Program administered by the Ohio State University Fisher College of Business and College of Education and Human Ecology pursuant to section 3319.272 of the Revised Code to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent. 72943
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(E) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support training for selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties. 72955
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(F) Of the foregoing appropriation item 200448, Educator Preparation, \$1,000,000 in each fiscal year shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to award professional development grants to educational service centers to train educators and related school personnel in the model and tenants of prevention of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors.

(G) Of the foregoing appropriation item 200448, Educator Preparation, up to \$250,000 in each fiscal year shall be used to support the SmartOhio Financial Literacy Program at the University of Cincinnati.

(H) Of the foregoing appropriation item 200448, Educator Preparation, \$250,000 in each fiscal year shall be used to support regionally tailored professional development and strategic training for teachers in STEM fields through the PAST Foundation's STEM Educator Professional Development Collaborative.

(I) Of the foregoing appropriation item 200448, Educator Preparation, \$100,000 in each fiscal year shall be distributed to The Childhood League Center to provide intensive early intervention and educational services in Franklin County, to support the Play and Language for Autistic Youngsters (PLAY) Project in underserved counties, and to provide services and training for providers and families. Not later than July 1, 2022, the Department of Education shall conduct a study on the efficacy and results of services and training provided to parents and teachers through the PLAY Project and shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission.

(J) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for

award-related expenses incurred for a period not to exceed two 72992
years from the date of the award according to guidelines 72993
established by the Department of Education. 72994

(K) The remainder of the foregoing appropriation item 200448, 72995
Educator Preparation, may be used for implementation of teacher 72996
and principal evaluation systems, including incorporation of 72997
student growth as a metric in those systems, and teacher 72998
value-added reports. A portion of this funding shall be provided 72999
to educational service centers, consistent with requirements of 73000
section 3312.01 of the Revised Code, in the development and 73001
delivery of professional development programs supported under this 73002
section. 73003

(L) Awards under division (H) of Section 265.120 of H.B. 166 73004
of the 133rd General Assembly may be used by recipients for 73005
award-related expenses incurred through June 30, 2023. 73006

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 73007

The foregoing appropriation item 200455, Community Schools 73008
and Choice Programs, may be used by the Department of Education 73009
for operation of the school choice programs. 73010

Of the foregoing appropriation item 200455, Community Schools 73011
and Choice Programs, a portion in each fiscal year may be used by 73012
the Department for developing and conducting training sessions for 73013
community schools and sponsors and prospective sponsors of 73014
community schools as prescribed in division (A)(1) of section 73015
3314.015 of the Revised Code, and other schools participating in 73016
school choice programs. 73017

Section 265.135. STEM INITIATIVES 73018

The foregoing appropriation item 200457, STEM Initiatives, 73019
shall be distributed to the Educational Service Center of the 73020
Western Reserve for a pilot project that supports innovative STEM 73021

initiatives for middle school students in Ashtabula, Cuyahoga, 73022
Geauga, Lake, Portage, and Trumbull counties affiliated with the 73023
Alliance for Working Together. These initiatives shall provide 73024
middle school students with early access to programming, 73025
engineering design, and problem-solving skills, the goal of which 73026
is to build a strong regional pipeline of future manufacturing 73027
workers who can fill high-paying, sustainable positions in the 73028
automated manufacturing industry. Not later than July 31, 2022, 73029
the Educational Service Center of the Western Reserve shall submit 73030
a report that describes the progress of the pilot project, 73031
including the number of students participating, to the standing 73032
committees of the House of Representatives and the Senate that are 73033
primarily responsible for considering economic development issues. 73034

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 73035

Of the foregoing appropriation item 200465, Education 73036
Technology Resources, up to \$2,500,000 in each fiscal year shall 73037
be used for the Union Catalog and InfOhio Network and to support 73038
the provision of electronic resources with priority given to 73039
resources that support the teaching of state academic content 73040
standards in all public schools. Consideration shall be given by 73041
the Department of Education to coordinating the allocation of 73042
these moneys with the efforts of Libraries Connect Ohio, whose 73043
members include OhioLINK, the Ohio Public Information Network, and 73044
the State Library of Ohio. 73045

Of the foregoing appropriation item 200465, Education 73046
Technology Resources, up to \$1,778,879 in each fiscal year shall 73047
be used by the Department to provide grants to educational 73048
television stations working with partner education technology 73049
centers to provide Ohio public schools with instructional 73050
resources and services, with priority given to resources and 73051
services aligned with state academic content standards. Such 73052

resources and services shall be based upon the advice and approval 73053
of the Department, based on a formula developed in consultation 73054
with Ohio's educational television stations and educational 73055
technology centers. 73056

The remainder of the foregoing appropriation item 200465, 73057
Education Technology Resources, may be used to support training, 73058
technical support, guidance, and assistance with compliance 73059
reporting to school districts and public libraries applying for 73060
federal E-Rate funds; for oversight and guidance of school 73061
district technology plans; for support to district technology 73062
personnel; and for support of the development, maintenance, and 73063
operation of a network of uniform and compatible computer-based 73064
information and instructional systems. 73065

Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 73066
STUDENTS 73067

Of the foregoing appropriation item 200478, 73068
Industry-Recognized Credentials High School Students, up to 73069
\$8,000,000 in each fiscal year may be used by the Department of 73070
Education to support payments to city, local, and exempted village 73071
school districts, community schools, STEM schools, and joint 73072
vocational school districts whose students earn an 73073
industry-recognized credential or receive a journeyman 73074
certification recognized by the United States Department of Labor 73075
in the school year preceding the fiscal year in which the funds 73076
are appropriated. The educating entity shall be required to inform 73077
students enrolled in career-technical education courses that lead 73078
to an industry-recognized credential about the opportunity to earn 73079
these credentials. The Department of Education shall work with the 73080
Department of Higher Education and the Governor's Office of 73081
Workforce Transformation to develop a schedule for reimbursement 73082
based on the testing fees for credentials included on the 73083

Department of Education's list of industry-recognized credentials. 73084
The educating entity shall pay for the cost of the credential and 73085
may claim and receive reimbursement for these testing fees. The 73086
educating entity may claim reimbursement for testing fees incurred 73087
on behalf of a student that earns a credential up to six months 73088
after the student has graduated from high school. If the amount 73089
appropriated is not sufficient, the Department shall prorate the 73090
amounts so that the aggregate amount appropriated is not exceeded. 73091

Of the foregoing appropriation item 200478, 73092
Industry-Recognized Credentials High School Students, up to 73093
\$12,500,000 in each fiscal year may be used by the Department of 73094
Education and the Governor's Office of Workforce Transformation to 73095
establish and operate the Innovative Workforce Incentive Program. 73096
In establishing the program, the Office of Workforce 73097
Transformation shall maintain a list of credentials that qualify 73098
for the program. The Department of Education shall pay each city, 73099
local, and exempted village school district, community school, 73100
STEM school, and joint vocational school district an amount equal 73101
to \$1,250 for each qualifying credential a student attending the 73102
district or school earned in the school year preceding the fiscal 73103
year in which the funds are appropriated. If the amount 73104
appropriated is not sufficient, the Department shall prorate the 73105
amounts so that the aggregate amount appropriated is not exceeded. 73106

Section 265.150. PUPIL TRANSPORTATION 73107

Of the foregoing appropriation item 200502, Pupil 73108
Transportation, up to \$838,930 in each fiscal year may be used by 73109
the Department of Education for training prospective and 73110
experienced school bus drivers in accordance with training 73111
programs prescribed by the Department. A portion of these funds 73112
may also be used to pay for costs associated with the enrollment 73113
of bus drivers in the retained applicant fingerprint database. 73114

Of the foregoing appropriation item 200502, Pupil 73115
Transportation, \$250,000 in each fiscal year shall be used to 73116
award transportation collaboration grants pursuant to section 73117
3317.072 of the Revised Code. 73118

Of the foregoing appropriation item 200502, Pupil 73119
Transportation, up to \$117,469,220 in fiscal year 2022 and up to 73120
\$123,469,220 in fiscal year 2023 may be used by the Department for 73121
special education transportation reimbursements to school 73122
districts and county DD boards for transportation operating costs 73123
as provided in divisions (C) and (F) of section 3317.024 of the 73124
Revised Code. 73125

The remainder of the foregoing appropriation item 200502, 73126
Pupil Transportation, shall be used to distribute the amounts 73127
calculated for transportation aid under divisions (E), (F), (G), 73128
and (H) of section 3317.0212, division (A)(2) of section 3317.019, 73129
and division (D) of section 3314.091 of the Revised Code. 73130

PAYMENTS IN LIEU OF TRANSPORTATION 73131

For purposes of division (D) of section 3327.02 of the 73132
Revised Code, if a parent, guardian, or other person in charge of 73133
a pupil accepts an offer from a school district of payment in lieu 73134
of providing transportation for the pupil, the school district 73135
shall pay that parent, guardian, or other person an amount that 73136
shall be not less than \$250 and not more than the amount 73137
determined by the Department as the average cost of pupil 73138
transportation for the previous school year. Payment may be 73139
prorated if the time period involved is only a part of the school 73140
year. 73141

Section 265.155. BUS PURCHASE ALLOWANCE 73142

The foregoing appropriation item 200503, Bus Purchase 73143
Allowance, shall be used to distribute bus purchasing grants to 73144

city, local, and exempted village school districts pursuant to 73145
section 3317.071 of the Revised Code. 73146

Section 265.160. SCHOOL LUNCH MATCH 73147

The foregoing appropriation item 200505, School Lunch Match, 73148
shall be used to provide matching funds to obtain federal funds 73149
for the school lunch program. 73150

Any remaining appropriation after providing matching funds 73151
for the school lunch program may be used to partially reimburse 73152
school buildings within school districts that are required to have 73153
a school breakfast program under section 3313.813 of the Revised 73154
Code, at a rate decided by the Department. 73155

Section 265.170. AUXILIARY SERVICES 73156

Of the foregoing appropriation item 200511, Auxiliary 73157
Services, up to \$2,600,000 in each fiscal year may be used for 73158
payment of the College Credit Plus Program for nonpublic secondary 73159
school participants. The Department of Education shall distribute 73160
these funds according to rule 3333-1-65.8 of the Administrative 73161
Code, adopted by the Department of Higher Education pursuant to 73162
division (A) of section 3365.071 of the Revised Code. 73163

The remainder of the foregoing appropriation item 200511, 73164
Auxiliary Services, shall be used by the Department for the 73165
purpose of implementing sections 3317.06 and 3317.062 of the 73166
Revised Code. 73167

Notwithstanding any provision of the law to the contrary, any 73168
chartered nonpublic school may elect to receive auxiliary services 73169
payments under division (E)(2) of section 3317.024 of the Revised 73170
Code for the 2021-2022 and 2022-2023 school years. To elect to 73171
receive funds under division (E)(2) of section 3317.024 of the 73172
Revised Code, a chartered nonpublic school shall, not later than 73173
July 31, 2021, notify the Department of Education and the school 73174

district in which the school is located of the election and submit 73175
to the Department an affidavit certifying that the school shall 73176
expend the funds in the manner outlined in section 3317.062 of the 73177
Revised Code. 73178

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 73179

The foregoing appropriation item 200532, Nonpublic 73180
Administrative Cost Reimbursement, shall be used by the Department 73181
of Education for the purpose of implementing section 3317.063 of 73182
the Revised Code. Notwithstanding section 3317.063 of the Revised 73183
Code, payments made by the Department for this purpose shall not 73184
exceed four hundred seventy-five dollars per student for each 73185
school year. 73186

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 73187

Of the foregoing appropriation item 200540, Special Education 73188
Enhancements, up to \$37,000,000 in each fiscal year shall be used 73189
to fund special education and related services at county boards of 73190
developmental disabilities for eligible students under section 73191
3317.20 of the Revised Code and at institutions for eligible 73192
students under section 3317.201 of the Revised Code. If necessary, 73193
the Department of Education shall proportionately reduce the 73194
amount calculated for each county board of developmental 73195
disabilities and institution so as not to exceed the amount 73196
appropriated in each fiscal year. 73197

Of the foregoing appropriation item 200540, Special Education 73198
Enhancements, up to \$1,350,000 in each fiscal year shall be used 73199
for parent mentoring programs. 73200

Of the foregoing appropriation item 200540, Special Education 73201
Enhancements, up to \$3,000,000 in each fiscal year may be used for 73202
school psychology interns. 73203

Of the foregoing appropriation item 200540, Special Education 73204

Enhancements, the Department shall transfer \$3,500,000 in each 73205
fiscal year to the Opportunities for Ohioans with Disabilities 73206
Agency. The transfer shall be made via an intrastate transfer 73207
voucher. The transferred funds shall be used by the Opportunities 73208
for Ohioans with Disabilities Agency as state matching funds to 73209
draw down available federal funding for vocational rehabilitation 73210
services. Total project funding shall be used to hire dedicated 73211
vocational rehabilitation counselors who shall work directly with 73212
school districts to provide transition services for students with 73213
disabilities. Services shall include vocational rehabilitation 73214
services such as person-centered career planning, summer work 73215
experiences, job placement, and retention services for mutually 73216
eligible students with disabilities. 73217

The Superintendent of Public Instruction and the Executive 73218
Director of the Opportunities for Ohioans with Disabilities Agency 73219
shall enter into an interagency agreement that shall specify the 73220
responsibilities of each agency under the program. Under the 73221
interagency agreement, the Opportunities for Ohioans with 73222
Disabilities Agency shall retain responsibility for all 73223
nondelegable functions, including eligibility and order of 73224
selection determination, individualized plan for employment (IPE) 73225
approval, IPE amendments, case closure, and release of vendor 73226
payments. 73227

Of the foregoing appropriation item 200540, Special Education 73228
Enhancements, up to \$2,000,000 in each fiscal year shall be used 73229
by the Department of Education to build capacity to deliver a 73230
regional system of training, support, coordination, and direct 73231
service for secondary transition services for students with 73232
disabilities beginning at fourteen years of age. These special 73233
education enhancements shall support all students with 73234
disabilities, regardless of partner agency eligibility 73235
requirements, to provide stand-alone direct secondary transition 73236

services by school districts. Secondary transition services shall 73237
include, but not be limited to, job exploration counseling, 73238
work-based learning experiences, counseling on opportunities for 73239
enrollment in comprehensive transition or post-secondary 73240
educational programs at institutions of higher education, 73241
workplace readiness training to develop occupational skills, 73242
social skills and independent living skills, and instruction in 73243
self-advocacy. Regional training shall support the expansion of 73244
transition to work endorsement opportunities for middle school and 73245
secondary level special education intervention specialists in 73246
order to develop the necessary skills and competencies to meet the 73247
secondary transition needs of students with disabilities beginning 73248
at fourteen years of age. 73249

The remainder of appropriation item 200540, Special Education 73250
Enhancements, shall be distributed by the Department of Education 73251
to school districts and institutions, as defined in section 73252
3323.091 of the Revised Code, for preschool special education 73253
funding under section 3317.0213 of the Revised Code. 73254

The Department may reimburse school districts and 73255
institutions for services provided by instructional assistants, 73256
related services, as defined in rule 3301-51-11 of the 73257
Administrative Code, physical therapy services provided by a 73258
licensed physical therapist or physical therapist assistant under 73259
the supervision of a licensed physical therapist, as required 73260
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 73261
Administrative Code, and occupational therapy services provided by 73262
a licensed occupational therapist or occupational therapy 73263
assistant under the supervision of a licensed occupational 73264
therapist, as required under Chapter 4755. of the Revised Code and 73265
Chapter 4755-7 of the Administrative Code. Nothing in this section 73266
authorizes occupational therapy assistants or physical therapist 73267
assistants to generate or manage their own caseloads. 73268

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. All programs shall be rated through the Step Up to Quality program.

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 73279

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$4,200,000 in fiscal year 2022 and up to \$8,400,000 in fiscal year 2023 shall be used to pay career awareness and exploration funds pursuant to division (C) of section 3314.089, division (E) of section 3317.014, and division (C) of section 3326.39 of the Revised Code. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,686,474 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students

enrolled in school districts, including joint vocational school 73300
districts, and affiliated higher education institutions. This 73301
support may include the purchase of equipment. 73302

Of the foregoing appropriation item 200545, Career-Technical 73303
Education Enhancements, up to \$3,000,850 in each fiscal year shall 73304
be used by the Department to support existing High Schools That 73305
Work (HSTW) sites, develop and support new sites, fund technical 73306
assistance, and support regional centers and middle school 73307
programs. The purpose of HSTW is to combine challenging academic 73308
courses and modern career-technical studies to raise the academic 73309
achievement of students. HSTW provides intensive technical 73310
assistance, focused staff development, targeted assessment 73311
services, and ongoing communications and networking opportunities. 73312

Of the foregoing appropriation item 200545, Career-Technical 73313
Education Enhancements, up to \$600,000 in each fiscal year shall 73314
be used by the Department to enable students in agricultural 73315
programs to enroll in a fifth quarter of instruction based on the 73316
agricultural education model of delivering work-based learning 73317
through supervised agricultural experience. The Department shall 73318
determine eligibility criteria and the reporting process for the 73319
Agriculture 5th Quarter Project and shall fund as many programs as 73320
possible given the set-aside. The eligibility criteria developed 73321
by the Department shall allow these funds to support supervised 73322
agricultural experience that occurs anytime outside of the regular 73323
school day. 73324

Of the foregoing appropriation item 200545, Career-Technical 73325
Education Enhancements, up to \$210,000 in each fiscal year shall 73326
be used to support the pilot program created in the section of 73327
this act entitled "P-TECH MODEL OF EDUCATION PILOT PROGRAM." 73328

Of the foregoing appropriation item 200545, Career-Technical 73329
Education Enhancements, up to \$240,000 shall be used to support 73330
the Ohio Code-Scholar Pilot Program created in section 3313.905 of 73331

the Revised Code. 73332

Of the foregoing appropriation item 200545, Career-Technical 73333
Education Enhancements, up to \$550,000 in each fiscal year may be 73334
used to support career planning and reporting through the 73335
OhioMeansJobs web site. 73336

Of the foregoing appropriation item 200545, Career-Technical 73337
Education Enhancements, \$250,000 in each fiscal year shall be used 73338
to prepare students for careers in culinary arts and restaurant 73339
management under the Ohio ProStart school restaurant program. 73340

Section 265.205. P-TECH MODEL OF EDUCATION PILOT PROGRAM 73341

(A) As used in this section: 73342

(1) "Eligible school" means any of the following: 73343

(a) A school operated by a city, local, or exempted village 73344
school district; 73345

(b) A school operated by a joint vocational school district, 73346
provided that the school is eligible only with respect to those 73347
students who are enrolled in grades nine through twelve and to 73348
whom the school provides instruction in all courses required for a 73349
high school diploma under section 3313.603 of the Revised Code so 73350
that the student attends the school for the entire school day and 73351
does not attend a school operated by the student's district of 73352
residence for any part of the school day; 73353

(c) A community school established under Chapter 3314. of the 73354
Revised Code; 73355

(d) A science, technology, engineering, and mathematics 73356
school established under Chapter 3326. of the Revised Code. 73357

(2) "P-Tech model of education" means an educational model 73358
that meets all of the following criteria: 73359

(a) It is implemented through a partnership between an 73360

eligible school, a state institution of higher education, or a 73361
nonprofit institution of higher education that has a certificate 73362
of authorization under Chapter 1713. of the Revised Code, and one 73363
or more businesses offering employment in skilled occupations. 73364

(b) It provides a curriculum focused on science, technology, 73365
engineering, and mathematics for students beginning in grade nine 73366
for up to six years during which students may dually enroll in 73367
high school and college courses at no cost to the student and earn 73368
a high school diploma and an associate degree upon completion of 73369
the program. 73370

(c) It prioritizes enrolling student populations who have 73371
been historically underrepresented in college and skilled 73372
occupations. 73373

(d) It provides students with opportunities to learn about 73374
careers through internships, professional mentoring, visits to 73375
work sites, or other business-oriented activities. 73376

(e) It offers academic and personal supports at the high 73377
school and college levels to help students succeed in the program. 73378

(f) It gives students priority for employment with partnering 73379
businesses upon completion of the program. 73380

(3) "State institution of higher education" has the same 73381
meaning as in section 3345.011 of the Revised Code. 73382

(B) In recognition of the need for structured pathways that 73383
develop the academic and job skills of students to prepare them 73384
for well-paying employment and that meet the workforce needs of 73385
Ohio businesses, the Department of Education and the Department of 73386
Higher Education jointly shall create a pilot program to select up 73387
to three eligible schools throughout the state to implement a 73388
P-Tech model of education. The Departments shall issue a request 73389
for proposals from interested applicants not later than September 73390
1, 2021, in accordance with procedures established by the 73391

Departments. An eligible school shall be the lead applicant and 73392
shall be responsible for submitting all documentation required by 73393
the Departments. 73394

(C) The Department of Education and the Department of Higher 73395
Education jointly shall evaluate proposals based on adherence to 73396
the P-Tech model of education, quality of programming, 73397
demonstration of commitment by partners, and sustainability. In 73398
evaluating proposals, the Departments shall give priority to 73399
schools that will serve students historically underrepresented in 73400
college and skilled occupations and shall make every effort to 73401
select schools in different locations throughout the state. On 73402
behalf of both Departments, the Department of Education shall 73403
award planning and implementation grants to eligible schools whose 73404
proposals are selected. The Department of Education shall notify 73405
grant recipients of their selection not later than October 1, 73406
2021. 73407

(D)(1) The Department of Education shall award up to \$70,000 73408
to each eligible school in fiscal year 2022 for planning 73409
activities, which may include designating a school official to act 73410
as a project manager, working with the partnering state 73411
institution of higher education or nonprofit institution of higher 73412
education that has a certificate of authorization under Chapter 73413
1713. of the Revised Code and partnering businesses to create 73414
college and career pathways, school branding and student 73415
recruitment efforts, space planning, professional development for 73416
high school teachers and college faculty, or other necessary 73417
activities. 73418

(2) The Department of Education shall award up to \$70,000 to 73419
each eligible school in fiscal year 2023 to implement the P-Tech 73420
model of education for ninth grade students. This funding shall be 73421
in addition to all other state funding received by the eligible 73422
school and partnering state institution of higher education or 73423

nonprofit institution of higher education that has a certificate 73424
of authorization under Chapter 1713. of the Revised Code. 73425

(E) For the duration of the pilot program, all of the 73426
following shall apply: 73427

(1) An eligible school shall continue to receive funding 73428
under the section of this act entitled "FUNDING FOR CITY, LOCAL, 73429
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," "FUNDING FOR JOINT 73430
VOCATIONAL SCHOOL DISTRICTS," "FUNDING FOR COMMUNITY SCHOOLS," or 73431
"FUNDING FOR STEM SCHOOLS," as applicable, for each student 73432
participating in the P-Tech model of education who continues to be 73433
enrolled in high school courses after the student's twelfth-grade 73434
year for up to two full school years. 73435

(2) Any state institution of higher education that enrolls a 73436
student participating in the P-Tech model of education may include 73437
that student in the calculation used to determine its state share 73438
of instruction funds under the section of this act entitled "STATE 73439
SHARE OF INSTRUCTION FORMULAS." 73440

(3) Notwithstanding the limits on College Credit Plus 73441
participation in section 3365.031 of the Revised Code, students 73442
participating in the P-Tech model of education may participate in 73443
the College Credit Plus Program for any of the school years that 73444
they are enrolled in an eligible school. Additionally, credit hour 73445
and duration limitations for students participating in the College 73446
Credit Plus Program under Chapter 3365. of the Revised Code do not 73447
apply to students participating in the P-Tech model of education. 73448

(F) The Department of Education and the Department of Higher 73449
Education shall evaluate the progress of grant recipients in 73450
planning for and implementing the P-Tech model of education, 73451
including how the partnerships are working to build and sustain 73452
the model and any difficulties or successes faced in planning for 73453
or implementing the model. Grant recipients shall report to the 73454

Departments any data or other information considered necessary by 73455
the Departments to complete the evaluation. The Departments shall 73456
report their findings to the Governor and the General Assembly, in 73457
accordance with section 101.68 of the Revised Code, not later than 73458
December 31, 2022. 73459

(G) Notwithstanding any provision of law to the contrary, 73460
awards under this section may be used by recipients for 73461
award-related expenses incurred for a period not to exceed two 73462
years from the date of the award according to guidelines 73463
established by the Department of Education. 73464

Section 265.210. FOUNDATION FUNDING 73465

Of the portion of the formula aid distributed to city, local, 73466
and exempted village school districts, joint vocational school 73467
districts, community schools, and STEM schools under this section, 73468
up to \$95,400,000 in fiscal year 2022 and up to \$93,500,000 in 73469
fiscal year 2023 shall be used for the purposes of division (B) of 73470
section 3317.0215 of the Revised Code. 73471

Of the foregoing appropriation item 200550, Foundation 73472
Funding, up to \$3,800,000 in each fiscal year shall be used to 73473
fund gifted education at educational service centers. The 73474
Department shall distribute the funding through the unit-based 73475
funding methodology in place under division (L) of section 73476
3317.024, division (E) of section 3317.05, and divisions (A), (B), 73477
and (C) of section 3317.053 of the Revised Code as they existed 73478
prior to fiscal year 2010. 73479

Of the foregoing appropriation item 200550, Foundation 73480
Funding, up to \$42,500,000 in fiscal year 2022 and up to 73481
\$45,000,000 in fiscal year 2023 shall be reserved to fund the 73482
state reimbursement of educational service centers under section 73483
3317.11 of the Revised Code. 73484

Of the foregoing appropriation item 200550, Foundation 73485
Funding, up to \$3,500,000 in each fiscal year shall be distributed 73486
to educational service centers for School Improvement Initiatives 73487
and for the provision of technical assistance to schools and 73488
districts consistent with requirements of section 3312.01 of the 73489
Revised Code. The Department may distribute these funds through a 73490
competitive grant process. 73491

Of the foregoing appropriation item 200550, Foundation 73492
Funding, up to \$7,000,000 in each fiscal year shall be reserved 73493
for payments under the section of this act entitled "POWER PLANT 73494
VALUATION ADJUSTMENT." If this amount is not sufficient, the 73495
Superintendent of Public Instruction may reallocate excess funds 73496
for other purposes supported by this appropriation item in order 73497
to fully pay the amounts required by that section, provided that 73498
the aggregate amount appropriated in appropriation item 200550, 73499
Foundation Funding, is not exceeded. 73500

Of the foregoing appropriation item 200550, Foundation 73501
Funding, up to \$2,000,000 in each fiscal year shall be used to 73502
support the administration of school choice programs. 73503

Of the portion of the foregoing appropriation item 200550, 73504
Foundation Funding, up to \$47,901,887 in each fiscal year shall be 73505
used to operate the school choice program in the Cleveland 73506
Municipal School District under sections 3313.974 to 3313.979 of 73507
the Revised Code. Notwithstanding divisions (B) and (C) of section 73508
3313.978 and division (C) of section 3313.979 of the Revised Code, 73509
up to \$1,000,000 in each fiscal year of this amount shall be used 73510
by the Cleveland Municipal School District to provide tutorial 73511
assistance as provided in division (H) of section 3313.974 of the 73512
Revised Code. The Cleveland Municipal School District shall report 73513
the use of these funds in the district's three-year continuous 73514
improvement plan as described in section 3302.04 of the Revised 73515
Code in a manner approved by the Department. 73516

Of the foregoing appropriation item 200550, Foundation 73517
Funding, up to \$3,000,000 in each fiscal year may be used for 73518
payment of the College Credit Plus Program for students instructed 73519
at home pursuant to section 3321.04 of the Revised Code. 73520

Of the foregoing appropriation item 200550, Foundation 73521
Funding, an amount shall be available in each fiscal year to be 73522
paid to joint vocational school districts in accordance with 73523
sections 3317.16 and 3317.162 of the Revised Code and the section 73524
of this act entitled "FORMULA TRANSITION SUPPLEMENT." 73525

Of the foregoing appropriation item 200550, Foundation 73526
Funding, up to \$700,000 in each fiscal year shall be used by the 73527
Department for a program to pay for educational services for youth 73528
who have been assigned by a juvenile court or other authorized 73529
agency to any of the facilities described in division (A) of the 73530
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 73531

Of the foregoing appropriation item 200550, Foundation 73532
Funding, a portion may be used to pay college-preparatory boarding 73533
schools the per pupil boarding amount pursuant to section 3328.34 73534
of the Revised Code. 73535

Of the foregoing appropriation item 200550, Foundation 73536
Funding, an amount shall be available in each fiscal year to pay 73537
community schools and STEM schools in accordance with sections 73538
3314.08, divisions (A), (B), and (D) of section 3314.089, section 73539
3326.33, divisions (A) and (B) of section 3326.39 of the Revised 73540
Code, and the section of this act entitled "FORMULA TRANSITION 73541
SUPPLEMENT." 73542

Of the foregoing appropriation item 200550, Foundation 73543
Funding, an amount shall be available in each fiscal year to pay 73544
scholarships pursuant to sections 3310.41 and 3310.52 of the 73545
Revised Code and to pay scholarships pursuant to section 3310.08 73546
of the Revised Code for students determined eligible under section 73547

3310.03 of the Revised Code. 73548

Of the foregoing appropriation item 200550, Foundation 73549
Funding, up to \$1,760,000 in each fiscal year may be used by the 73550
Department for duties and activities related to the establishment 73551
of academic distress commissions under section 3302.10 of the 73552
Revised Code, to provide support and assistance to academic 73553
distress commissions to further their duties under Chapter 3302. 73554
of the Revised Code, and to provide technical assistance and tools 73555
to support districts subject to academic distress commissions. 73556

Of the foregoing appropriation item 200550, Foundation 73557
Funding, up to \$1,500,000 in each fiscal year shall be distributed 73558
to the Ohio STEM Learning Network to support the expansion of free 73559
STEM programming aligned to Ohio's STEM priorities, to create 73560
regional STEM supports targeting underserved student populations, 73561
and to support the Ohio STEM Committee's STEM school designation 73562
process. 73563

Of the foregoing appropriation item 200550, Foundation 73564
Funding, up to \$2,500,000 in each fiscal year shall be used to 73565
make supplemental payments under Section 5 of H.B. 123 of the 73566
133rd General Assembly, as amended by this act. If the amount 73567
appropriated is insufficient, the Department shall prorate the 73568
payments so that the aggregate amount appropriated in this section 73569
is not exceeded. 73570

The remainder of the foregoing appropriation item 200550, 73571
Foundation Funding, shall be used to distribute the amounts 73572
calculated for formula aid under division (A)(1) of section 73573
3317.019, sections 3317.022 and 3317.0218 of the Revised Code, and 73574
the section of this act entitled "FORMULA TRANSITION SUPPLEMENT." 73575

Appropriation items 200502, Pupil Transportation, 200540, 73576
Special Education Enhancements, and 200550, Foundation Funding, 73577
other than specific set-asides, are collectively used in each 73578

fiscal year to pay state formula aid obligations for school 73579
districts, community schools, STEM schools, college preparatory 73580
boarding schools, and joint vocational school districts under this 73581
act. The first priority of these appropriation items, with the 73582
exception of specific set-asides, is to fund state formula aid 73583
obligations. It may be necessary to reallocate funds among these 73584
appropriation items or use excess funds from other General Revenue 73585
Fund appropriation items in the Department of Education's budget, 73586
including appropriation item 200903, Property Tax Reimbursement - 73587
Education, in each fiscal year in order to meet state formula aid 73588
obligations. If it is determined that it is necessary to transfer 73589
funds among these appropriation items or to transfer funds from 73590
other General Revenue Fund appropriations in the Department's 73591
budget to meet state formula aid obligations, the Superintendent 73592
of Public Instruction shall seek approval from the Director of 73593
Budget and Management to transfer funds as needed. 73594

The Superintendent of Public Instruction shall make payments, 73595
transfers, and deductions, as authorized by Title XXXVIII of the 73596
Revised Code in amounts substantially equal to those made in the 73597
prior year, or otherwise, at the discretion of the Superintendent, 73598
until at least the effective date of the amendments and enactments 73599
made to Title XXXVIII by this act. Any funds paid to districts or 73600
schools under this section shall be credited toward the annual 73601
funds calculated for the district or school after the changes made 73602
to Title XXXVIII in this act are effective. Upon the effective date 73603
of changes made to Title XXXVIII in this act, funds shall be 73604
calculated as an annual amount. 73605

Section 265.215. GENERAL PHASE-IN PERCENTAGE 73606

For purposes of division (O)(1) of section 3317.02 of the 73607
Revised Code, the General Assembly has determined that the general 73608
phase-in percentage for fiscal year 2022 shall be 16.67 per cent 73609

and the general phase-in percentage for fiscal year 2023 shall be 73610
33.33 per cent. 73611

Section 265.220. PHASE-IN PERCENTAGE FOR DISADVANTAGED PUPIL 73612
IMPACT AID 73613

For purposes of division (O)(2)(a) of section 3317.02 of the 73614
Revised Code, the General Assembly has determined that the 73615
phase-in percentage for disadvantaged pupil impact aid for fiscal 73616
year 2022 shall be 0 per cent and the phase-in percentage for 73617
disadvantaged pupil impact aid for fiscal year 2023 shall be 14 73618
per cent. 73619

Section 265.225. FORMULA TRANSITION SUPPLEMENT 73620

(A)(1) For fiscal years 2022 and 2023, the Department of 73621
Education shall pay a formula transition supplement to each city, 73622
local, and exempted village school district according to the 73623
following formula: 73624

(The district's funding base for fiscal year 2021) - (the 73625
district's payments for the fiscal year for which the supplement 73626
is calculated under sections 3317.019, 3317.022, 3317.0212, and 73627
3317.0218 of the Revised Code) 73628

If the computation made under division (A)(1) of this section 73629
for a fiscal year results in a negative number, the district's 73630
formula transition supplement for that fiscal year shall be zero. 73631

(2) For purposes of division (A)(1) of this section, a city, 73632
local, or exempted village school district's "funding base for 73633
fiscal year 2021" means the amount calculated as follows: 73634

(a) Compute the sum of the following: 73635

(i) The amount calculated for the district for fiscal year 73636
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 73637
133rd General Assembly after any adjustments required under 73638

Section 265.227 of H.B. 166 of the 133rd General Assembly and 73639
before any funding reductions authorized by Executive Order 73640
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 73641
issued on January 22, 2021; 73642

(ii) The amount calculated for the district for fiscal year 73643
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 73644
133rd General Assembly before any funding reductions authorized by 73645
Executive Order 2020-19D, issued on May 7, 2020, and Executive 73646
Order 2021-01D, issued on January 22, 2021; 73647

(iii) The amount calculated for the district for fiscal year 73648
2021 under division (B) of Section 265.220 of H.B. 166 of the 73649
133rd General Assembly; 73650

(iv) The district's payments for fiscal year 2021 under 73651
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 73652
Revised Code as those divisions existed for payments for fiscal 73653
year 2021; 73654

(v) The district's payments for fiscal year 2021 under 73655
section 3317.0219 of the Revised Code as that section existed for 73656
payments for fiscal year 2021. 73657

(b) Subtract from the amount calculated in division (A)(2)(a) 73658
of this section the sum of the following: 73659

(i) The payments deducted from the district and paid to a 73660
community school established under Chapter 3314. of the Revised 73661
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 73662
(d), (e), (f), and (g) of section 3314.08 of the Revised Code and 73663
division (D) of section 3314.091 of the Revised Code, as those 73664
divisions existed for deductions and payments for fiscal year 73665
2021, in accordance with division (A) of Section 265.230 of H.B. 73666
166 of the 133rd General Assembly, before any funding reductions 73667
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 73668
Executive Order 2021-01D, issued on January 22, 2021; 73669

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised

Code) 73702

If the computation made under division (B)(1) of this section 73703
for a fiscal year results in a negative number, the district's 73704
formula transition supplement for that fiscal year shall be zero. 73705

(2) For purposes of division (B)(1) of this section, a joint 73706
vocational district's "funding base for fiscal year 2021" means 73707
the sum of the following: 73708

(a) The district's payments for fiscal year 2021 under 73709
Section 265.225 of H.B. 166 of the 133rd General Assembly after 73710
any adjustments required under Section 265.227 of H.B. 166 of the 73711
133rd General Assembly; 73712

(b) The district's payments for fiscal year 2021 under 73713
divisions (D)(1), (2), and (E)(3) of section 3313.981 of the 73714
Revised Code, as those divisions existed for payments for fiscal 73715
year 2021; 73716

(c) The district's payments for fiscal year 2021 under 73717
section 3317.163 of the Revised Code as that section existed for 73718
payments for fiscal year 2021. 73719

(C)(1) For fiscal years 2022 and 2023, the Department of 73720
Education shall pay a formula transition supplement to each 73721
community school established under Chapter 3314. of the Revised 73722
Code according to the following formula: 73723

[(The school's funding base for fiscal year 2021 / the number of 73724
students enrolled in the school for fiscal year 2021) - (the 73725
school's payments for the fiscal year for which the supplement is 73726
calculated under division (C)(1) of section 3314.08 of the Revised 73727
Code and division (D)(1) of section 3314.091 of the Revised Code / 73728
the number of students enrolled in the school for the fiscal year 73729
for which the supplement is calculated)] X the number of students 73730
enrolled in the school for the fiscal year for which the 73731
supplement is calculated. 73732

If the computation made under division (C)(1) of this section 73733
for a fiscal year results in a negative number, the school's 73734
formula transition supplement for that fiscal year shall be zero. 73735

(2) For purposes of division (C)(1) of this section, a 73736
community school's "funding base for fiscal year 2021" means the 73737
sum of the following: 73738

(a) The amount calculated for the school for fiscal year 2021 73739
under division (C)(1) of section 3314.08 of the Revised Code as 73740
that section existed for payments for fiscal year 2021, before any 73741
funding reductions authorized by Executive Order 2020-19D, issued 73742
on May 7, 2020, and Executive Order 2021-01D, issued on January 73743
22, 2021; 73744

(b) The amount calculated for the school for fiscal year 2021 73745
under section 3314.085 of the Revised Code as that section existed 73746
for payments for fiscal year 2021; 73747

(c) The amount calculated for the school for fiscal year 2021 73748
under division (D)(1) of section 3314.091 of the Revised Code as 73749
that division existed for payments for fiscal year 2021; 73750

(d) The amount calculated for the school for fiscal year 2021 73751
under section 3314.088 of the Revised Code as that section existed 73752
for payments for fiscal year 2021. 73753

(D)(1) For fiscal years 2022 and 2023, the Department of 73754
Education shall pay a formula transition supplement to each 73755
science, technology, engineering, and mathematics school 73756
established under Chapter 3326. of the Revised Code according to 73757
the following formula: 73758

[(The school's funding base for fiscal year 2021 / the number of 73759
students enrolled in the school for fiscal year 2021) - (the 73760
school's payments for the fiscal year for which the supplement is 73761
calculated under division (A) of section 3326.33 of the Revised 73762
Code / the number of students enrolled in the school for the 73763

fiscal year for which the supplement is calculated)] X the number 73764
of students enrolled in the school for the fiscal year for which 73765
the supplement is calculated. 73766

If the computation made under division (D)(1) of this section 73767
for a fiscal year results in a negative number, the school's 73768
formula transition supplement for that fiscal year shall be zero. 73769

(2) For purposes of division (D)(1) of this section, a 73770
science, technology, engineering, and mathematics school's 73771
"funding base for fiscal year 2021" means the sum of the 73772
following: 73773

(a) The amount calculated for the school for fiscal year 2021 73774
under section 3326.33 of the Revised Code as that section existed 73775
for payments for fiscal year 2021, before any funding reductions 73776
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 73777
Executive Order 2021-01D, issued on January 22, 2021; 73778

(b) The amount calculated for the school for fiscal year 2021 73779
under section 3326.41 of the Revised Code as that section existed 73780
for payments for fiscal year 2021; 73781

(c) The amount calculated for the school for fiscal year 2021 73782
under section 3326.42 of the Revised Code as that section existed 73783
for payments for fiscal year 2021. 73784

Section 265.237. POWER PLANT VALUATION ADJUSTMENT 73785

(A)(1) On or before May 15, 2022, the Tax Commissioner shall 73786
determine all of the following for each city, local, exempted 73787
village, and joint vocational school district that has at least 73788
one power plant located within its territory: 73789

(a) Whether the taxable value of all utility tangible 73790
personal property subject to taxation by the district in tax year 73791
2021 was less than the taxable value of such property during tax 73792
year 2017; 73793

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2020.	73794 73795 73796 73797
(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	73798 73799 73800 73801
(a) The district's total taxable value for tax year 2021;	73802
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2021;	73803 73804
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	73805 73806 73807
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.	73808 73809 73810
(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	73811 73812 73813 73814 73815 73816 73817 73818 73819
(a) The lesser of the following:	73820
(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's	73821 73822 73823

recomputed state education aid for fiscal year 2019; 73824

(ii) The absolute value of the amount certified under 73825
division (A)(2)(b) of this section. 73826

(b) The absolute value of the amount certified under division 73827
(A)(2)(b) of this section X 0.50. 73828

(B)(1) On or before May 15, 2023, the Tax Commissioner shall 73829
determine for each city, local, exempted village, and joint 73830
vocational school district that has at least one power plant 73831
located within its territory: 73832

(a) Whether the taxable value of all utility tangible 73833
personal property subject to taxation by the district in tax year 73834
2022 was less than the taxable value of such property during tax 73835
year 2017; 73836

(b) Whether the taxable value of all utility tangible 73837
personal property subject to taxation by the district in tax year 73838
2022 was less than the taxable value of such property during tax 73839
year 2021. 73840

(2) If the decrease determined under division (B)(1)(a) or 73841
(b) of this section exceeds ten per cent, the Tax Commissioner 73842
shall certify all of the following to the Department of Education 73843
and the Office of Budget and Management: 73844

(a) The district's total taxable value for tax year 2022; 73845

(b) The change in taxes charged and payable on the district's 73846
total taxable value for tax year 2017 and tax year 2022; 73847

(c) The taxable value of the utility tangible personal 73848
property decrease, which shall be considered a change in 73849
valuation; 73850

(d) The change in taxes charged and payable on such change in 73851
taxable value calculated in the same manner as in division (A)(3) 73852
of section 3317.021 of the Revised Code. 73853

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (B)(2)(b) of this section.

(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.

(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2022, and June 30, 2022, and the Department shall make payments under division (B)(3) of this section between June 1, 2023, and June 30, 2023.

Section 265.240. LITERACY IMPROVEMENT

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A

portion of the funds may be used by the Department for program 73884
administration, monitoring, technical assistance, support, 73885
research, and evaluation. 73886

Section 265.250. ADULT EDUCATION PROGRAMS 73887

Of the foregoing appropriation item 200572, Adult Education 73888
Programs, up to \$6,300,000 in each fiscal year shall be used to 73889
make payments under sections 3314.38, 3317.23, 3317.24, and 73890
3345.86 of the Revised Code. 73891

A portion of the foregoing appropriation item 200572, Adult 73892
Education Programs, shall be used in each fiscal year to make 73893
payments to institutions participating in the Adult Diploma Pilot 73894
Program under section 3313.902 of the Revised Code and to pay 73895
career-technical planning districts for the amounts reimbursed to 73896
students, as prescribed in this section. If funds are insufficient 73897
to make payments for the Adult Diploma Pilot Program, upon the 73898
request of the Superintendent of Public Instruction, the Director 73899
of Budget and Management may transfer appropriation from 73900
appropriation item 200550, Foundation Funding, to appropriation 73901
item 200572, Adult Education Programs, subject to an available 73902
balance in appropriation item 200550 and Controlling Board 73903
approval. Any appropriation so transferred shall be used to make 73904
payments to institutions participating in the Adult Diploma Pilot 73905
Program pursuant to section 3313.902 of the Revised Code. 73906

Each career-technical planning district shall reimburse 73907
individuals taking a nationally recognized high school equivalency 73908
examination approved by the Department of Education for the first 73909
time for application fees, examination fees, or both, in excess of 73910
\$40, up to a maximum reimbursement per individual of \$80. Each 73911
career-technical planning district shall designate a site or sites 73912
where individuals may register and take an approved examination. 73913
For each individual who registers for an approved examination, the 73914

career-technical planning district shall make available and offer 73915
career counseling services, including information on adult 73916
education programs that are available. A portion of the 73917
appropriation item may be used to reimburse the Department of 73918
Youth Services and the Department of Rehabilitation and Correction 73919
for individuals in these facilities who have taken an approved 73920
examination for the first time. The amounts reimbursed shall not 73921
exceed the per-individual amounts reimbursed to other individuals 73922
under this section for an approved examination. 73923

Notwithstanding any provision of law to the contrary, the 73924
unexpended balance of appropriations for payments under sections 73925
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 73926
Code at the end of each fiscal year may be encumbered by the 73927
Department of Education and remain available for payment for a 73928
period not to exceed two years from the end of each fiscal year in 73929
which the funds were originally appropriated, in accordance with 73930
guidelines established by the Superintendent of Public 73931
Instruction. 73932

A portion of the foregoing appropriation item 200572, Adult 73933
Education Programs, may be used for program administration, 73934
technical assistance, support, research, and evaluation of adult 73935
education programs, including high school equivalency examinations 73936
approved by the Department of Education. 73937

Section 265.260. EDCHOICE EXPANSION 73938

The foregoing appropriation item 200573, EdChoice Expansion, 73939
shall be used to provide for the scholarships awarded under the 73940
expansion of the educational choice program established under 73941
section 3310.032 of the Revised Code. The number of scholarships 73942
awarded under the expansion of the educational choice program 73943
shall not exceed the number that can be funded with the 73944
appropriations made by the General Assembly for this purpose. 73945

HALF-MILL MAINTENANCE EQUALIZATION	73946
The foregoing appropriation item 200574, Half-Mill	73947
Maintenance Equalization, shall be used to make payments pursuant	73948
to section 3318.18 of the Revised Code.	73949
ADAPTIVE SPORTS PROGRAM	73950
The foregoing appropriation item 200576, Adaptive Sports	73951
Program, shall be used by the Department of Education, in	73952
collaboration with the Adaptive Sports Program of Ohio, to fund	73953
adaptive sports programs in school districts across the state.	73954
Section 265.275. PROGRAM AND PROJECT SUPPORT	73955
Of the foregoing appropriation item 200597, Program and	73956
Project Support, \$1,000,000 in each fiscal year shall be	73957
distributed to Ohio Adolescent Health Centers to support risk	73958
avoidance education initiatives.	73959
Of the foregoing appropriation item 200597, Program and	73960
Project Support, \$188,000 in each fiscal year shall be distributed	73961
to the Cleveland Museum of Natural History to support its	73962
STEM-based educational programming.	73963
Section 265.280. MEDICAID IN SCHOOLS PROGRAM	73964
The foregoing appropriation item, 657401, Medicaid in Schools	73965
Program, shall be used by the Department of Education to support	73966
the Medicaid in Schools Program.	73967
Section 265.300. TEACHER CERTIFICATION AND LICENSURE	73968
The foregoing appropriation item 200681, Teacher	73969
Certification and Licensure, shall be used by the Department of	73970
Education to administer and support teacher certification and	73971
licensure activities. Notwithstanding section 3319.51 of the	73972
Revised Code, a portion of the foregoing appropriation may also be	73973

used for implementation of teacher and principal evaluation 73974
systems, including incorporation of student growth as a metric in 73975
those systems, and teacher value-added reports. 73976

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 73977

(A) The foregoing appropriation item 200687, School District 73978
Solvency Assistance, shall be allocated to the School District 73979
Shared Resource Account and the Catastrophic Expenditures Account 73980
in amounts determined by the Superintendent of Public Instruction. 73981
These funds shall be used to provide assistance and grants to 73982
school districts to enable them to remain solvent under section 73983
3316.20 of the Revised Code. Assistance and grants shall be 73984
subject to approval by the Controlling Board. Except as provided 73985
under division (C) of this section, any required reimbursements 73986
from school districts for solvency assistance shall be made to the 73987
appropriate account in the School District Solvency Assistance 73988
Fund (Fund 5H30). 73989

(B) Notwithstanding any provision of law to the contrary, 73990
upon the request of the Superintendent of Public Instruction, the 73991
Director of Budget and Management may make transfers to the School 73992
District Solvency Assistance Fund (Fund 5H30) from any fund used 73993
by the Department of Education or the General Revenue Fund to 73994
maintain sufficient cash balances in Fund 5H30 in fiscal years 73995
2022 and 2023. Any cash transferred is hereby appropriated. The 73996
transferred cash may be used by the Department to provide 73997
assistance and grants to school districts to enable them to remain 73998
solvent and to pay unforeseeable expenses of a temporary or 73999
emergency nature that the school district is unable to pay from 74000
existing resources. The Director shall notify the members of the 74001
Controlling Board of any such transfers. 74002

(C) If the cash balance of the School District Solvency 74003
Assistance Fund (Fund 5H30) is insufficient to pay solvency 74004

assistance in fiscal years 2022 and 2023, at the request of the 74005
Superintendent of Public Instruction, and with the approval of the 74006
Controlling Board, the Director of Budget and Management may 74007
transfer cash from the Lottery Profits Education Reserve Fund 74008
(Fund 7018) to Fund 5H30 to provide assistance and grants to 74009
school districts to enable them to remain solvent and to pay 74010
unforeseeable expenses of a temporary nature that they are unable 74011
to pay from existing resources under section 3316.20 of the 74012
Revised Code. Such transfers are hereby appropriated to 74013
appropriation item 200670, School District Solvency Assistance - 74014
Lottery. Any required reimbursements from school districts for 74015
solvency assistance granted from appropriation item 200670, School 74016
District Solvency Assistance - Lottery, shall be made to Fund 74017
7018. 74018

Section 265.323. STUDENT WELLNESS AND SUCCESS 74019

The foregoing appropriation item 200604, Student Wellness and 74020
Success, shall be used in conjunction with appropriation items 74021
200550, Foundation Funding, and 200612, Foundation Funding, to 74022
distribute the amounts calculated for disadvantaged pupil impact 74023
aid under sections 3314.08, 3317.022, 3317.16, and 3326.33 of the 74024
Revised Code and the portions of the state share of the base cost 74025
calculated under those sections that are attributable to the 74026
staffing cost for the student wellness and success component of 74027
the base cost, as determined by the Department of Education. 74028

Section 265.330. LOTTERY PROFITS EDUCATION FUND 74029

The foregoing appropriation item 200612, Foundation Funding, 74030
shall be used in conjunction with appropriation item 200550, 74031
Foundation Funding, to provide state foundation payments to school 74032
districts. 74033

The Department of Education, with the approval of the 74034

Director of Budget and Management, shall determine the monthly 74035
distribution schedules of appropriation item 200550, Foundation 74036
Funding, and appropriation item 200612, Foundation Funding. If 74037
adjustments to the monthly distribution schedule are necessary, 74038
the Department shall make such adjustments with the approval of 74039
the Director. 74040

Section 265.333. ACCELERATE GREAT SCHOOLS 74041

The foregoing appropriation item 200614, Accelerate Great 74042
Schools, shall be used to support the Accelerate Great Schools 74043
public-private partnership. 74044

LITERACY IMPROVEMENTS 74045

The foregoing appropriation item 200616, Literacy 74046
Improvement, shall be used to expand the Model Demonstration 74047
Project for Early Identification of Students with Dyslexia Grant. 74048
Under the expansion, the Superintendent of Public Instruction 74049
shall award grants to city, local, and exempted village school 74050
districts, community schools, STEM schools, or chartered nonpublic 74051
schools to support additional pilot programs to address the 74052
literacy needs of students in preschool through first grade. 74053
School districts or schools wishing to participate shall apply to 74054
the Superintendent of Public Instruction. The Superintendent shall 74055
select school districts and schools to participate according to 74056
criteria determined by the Superintendent. Participating school 74057
districts and schools shall receive professional learning and 74058
support for teachers and principals to improve their ability to 74059
provide instruction for children with dyslexia. Participating 74060
school districts and schools shall collaborate with the Department 74061
of Education to identify professional learning opportunities 74062
aligned to the science of reading. The Department may use up to 74063
ten per cent of the amount appropriated in each fiscal year for 74064
program administration and for support of districts and schools in 74065

identifying and serving students with dyslexia. 74066

As used in this section, "Model Demonstration Project for 74067
Early Identification of Students with Dyslexia Grant" means the 74068
grant awarded to Ohio by the U.S. Department of Education in 74069
October 2019 to improve the literacy of students with, or at risk 74070
for, dyslexia. 74071

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 74072

(A) The foregoing appropriation item 200631, Quality 74073
Community Schools Support, shall be used for the Quality Community 74074
School Support Program. Under the program, the Department of 74075
Education shall pay each community school established under 74076
Chapter 3314. of the Revised Code and designated as a Community 74077
School of Quality under this section an amount up to \$1,750 in 74078
each fiscal year for each pupil identified as economically 74079
disadvantaged and up to \$1,000 in each fiscal year for each pupil 74080
that is not identified as economically disadvantaged. The payment 74081
for the current fiscal year shall be calculated using the final 74082
adjusted full-time equivalent number of students enrolled in a 74083
community school for the prior fiscal year, except that if a 74084
school is in its first year of operation the payment for the 74085
current fiscal year shall be calculated using the adjusted 74086
full-time equivalent number of students enrolled in the school for 74087
the current fiscal year as of the date the payment is made, as 74088
reported by the school under section 3314.08 of the Revised Code. 74089
The Department shall make the payment to each Community School of 74090
Quality not later than January 31 of each fiscal year. If the 74091
amount appropriated is not sufficient, the Department shall 74092
prorate the amounts so that the aggregate amount appropriated is 74093
not exceeded. 74094

(B) To be designated as a Community School of Quality, a 74095
community school shall satisfy at least one of the following 74096

conditions:	74097
(1) The community school meets all of the following criteria:	74098
(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.	74099 74100 74101
(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.	74102 74103 74104 74105
(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.	74106 74107 74108 74109 74110 74111
(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.	74112 74113 74114
(2) The community school meets all of the following criteria:	74115
(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.	74116 74117 74118
(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years.	74119 74120 74121
(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.	74122 74123 74124
(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published	74125 74126

under section 3314.031 of the Revised Code. 74127

(3) The community school meets all of the following criteria: 74128

(a) The school's sponsor was rated "exemplary" or "effective" 74129
on the sponsor's most recent evaluation conducted under section 74130
3314.016 of the Revised Code. 74131

(b) The school contracts with an operator that operates 74132
schools in other states and meets at least one of the following 74133
criteria: 74134

(i) Has operated a school that received a grant funded 74135
through the federal Charter School Program established under 20 74136
U.S.C. 7221 within the five years prior to the date of application 74137
or received funding from the Charter School Growth Fund; 74138

(ii) Meets all of the following criteria: 74139

(I) One of the operator's schools in another state performed 74140
better than the school district in which the school is located, as 74141
determined by the Department. 74142

(II) At least fifty per cent of the total number of students 74143
enrolled in all of the operator's schools are economically 74144
disadvantaged, as determined by the Department. 74145

(III) The operator is in good standing in all states where it 74146
operates schools, as determined by the Department. 74147

(IV) The Department has determined that the operator does not 74148
have any financial viability issues that would prevent it from 74149
effectively operating a community school in Ohio. 74150

(c) The school is in its first year of operation. 74151

(C) A school designated as a Community School of Quality 74152
under division (B) of this section shall maintain that designation 74153
for the two fiscal years following the fiscal year in which the 74154
school was initially designated as a Community School of Quality. 74155

(D) A school designated a Community School of Quality may 74156
renew its designation each year that it satisfies the criteria 74157
under division (B)(1) of this section. The school shall maintain 74158
that designation for the two fiscal years following each fiscal 74159
year in which the criteria under division (B)(1) of this section 74160
are satisfied. 74161

Section 265.340. COMMUNITY SCHOOL FACILITIES 74162

The foregoing appropriation item 200684, Community School 74163
Facilities, shall be used to pay each community school established 74164
under Chapter 3314. of the Revised Code and each STEM school 74165
established under Chapter 3326. of the Revised Code an amount 74166
equal to \$25 in each fiscal year for each full-time equivalent 74167
pupil in an internet- or computer-based community school and \$250 74168
in each fiscal year for each full-time equivalent pupil in all 74169
other community or STEM schools for assistance with the cost 74170
associated with facilities. If the amount appropriated is not 74171
sufficient, the Department shall prorate the amounts so that the 74172
aggregate amount appropriated is not exceeded. 74173

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 74174

(A) There is hereby created the Lottery Profits Education 74175
Reserve Fund (Fund 7018) in the State Treasury. Investment 74176
earnings of the Lottery Profits Education Reserve Fund shall be 74177
credited to the fund. 74178

(B) Notwithstanding any other provision of law to the 74179
contrary, the Director of Budget and Management shall transfer 74180
\$12,500,000 cash in fiscal year 2022 and \$45,000,000 cash in 74181
fiscal year 2023 from Fund 7018 to the Lottery Profits Education 74182
Fund (Fund 7017). The Director may transfer additional cash from 74183
Fund 7018 to Fund 7017 in fiscal year 2022 and fiscal year 2023. 74184

(C) On July 15, 2021, or as soon as possible thereafter, the 74185

Director of the Ohio Lottery Commission shall certify to the 74186
Director of Budget and Management the amount by which lottery 74187
profit transfers received by Fund 7017 exceeded \$1,234,500,000 in 74188
fiscal year 2021. 74189

(D) On July 15, 2022, or as soon as possible thereafter, the 74190
Director of the Ohio Lottery Commission shall certify to the 74191
Director of Budget and Management the amount by which lottery 74192
profit transfers received by Fund 7017 exceeded \$1,234,000,000 in 74193
fiscal year 2022. 74194

(E) Notwithstanding any provision of law to the contrary, in 74195
fiscal year 2022 and fiscal year 2023, the Director of Budget and 74196
Management shall transfer cash in excess of the amounts necessary 74197
to support appropriations in Fund 7017 from that fund to Fund 74198
7018. 74199

Section 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF 74200

Of the foregoing appropriation item 200640, Federal 74201
Coronavirus School Relief, \$250,000 in each fiscal year shall be 74202
used to support the Career Promise Academy Summer Demonstration 74203
Pilot Program established under section 3302.043 of the Revised 74204
Code. The Department of Education shall support this set-aside 74205
using the state activity funds provided under Title III, Sec. 74206
313(e) of the federal "Consolidated Appropriations Act, 2021," 74207
Pub. L. No. 116-260. 74208

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 74209
ASSESSMENT OF EDUCATION PROGRESS 74210

The General Assembly intends for the Superintendent of Public 74211
Instruction to provide for school district participation in the 74212
administration of the National Assessment of Education Progress in 74213
accordance with section 3301.27 of the Revised Code. Each school 74214
and school district selected for participation by the 74215

Superintendent shall participate. 74216

Section 265.400. EARMARK ACCOUNTABILITY 74217

At the request of the Superintendent of Public Instruction, 74218
any entity that receives a budget earmark under the Department of 74219
Education shall submit annually to the chairpersons of the 74220
committees of the House of Representatives and the Senate 74221
primarily concerned with education and education funding and to 74222
the Department a report that includes a description of the 74223
services supported by the funds, a description of the results 74224
achieved by those services, an analysis of the effectiveness of 74225
the program, and an opinion as to the program's applicability to 74226
other school districts. For an earmarked entity that received 74227
state funds from an earmark in the prior fiscal year, no funds 74228
shall be provided by the Department to an earmarked entity for a 74229
fiscal year until its report for the prior fiscal year has been 74230
submitted. 74231

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 74232

A community school established under Chapter 3314. of the 74233
Revised Code that was open for operation as a community school as 74234
of May 1, 2005, may operate from or in any home, as defined in 74235
section 3313.64 of the Revised Code, located in the state, 74236
regardless of when the community school's operations from or in a 74237
particular home began. 74238

Section 265.420. USE OF VOLUNTEERS 74239

The Department of Education may utilize the services of 74240
volunteers to accomplish any of the purposes of the Department. 74241
The Superintendent of Public Instruction shall approve for what 74242
purposes volunteers may be used and for these purposes may 74243
recruit, train, and oversee the services of volunteers. The 74244

Superintendent may reimburse volunteers for necessary and 74245
appropriate expenses in accordance with state guidelines and may 74246
designate volunteers as state employees for the purpose of motor 74247
vehicle accident liability insurance under section 9.83 of the 74248
Revised Code, for immunity under section 9.86 of the Revised Code, 74249
and for indemnification from liability incurred in the performance 74250
of their duties under section 9.87 of the Revised Code. 74251

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 74252
REIMBURSEMENTS 74253

(A) Except as expressly required under a court judgment not 74254
subject to further appeals, or a settlement agreement with a 74255
school district executed on or before June 1, 2009, in the case of 74256
a school district for which the formula ADM for fiscal year 2005, 74257
as reported for that fiscal year under division (A) of section 74258
3317.03 of the Revised Code, was reduced based on enrollment 74259
reports for community schools, made under section 3314.08 of the 74260
Revised Code, regarding students entitled to attend school in the 74261
district, which reduction of formula ADM resulted in a reduction 74262
of foundation funding or transitional aid funding for fiscal year 74263
2005, 2006, or 2007, no school district, except a district named 74264
in the court's judgment or the settlement agreement, shall have a 74265
legal claim for reimbursement of the amount of such reduction in 74266
foundation funding or transitional aid funding, and the state 74267
shall not have liability for reimbursement of the amount of such 74268
reduction in foundation funding or transitional aid funding. 74269

(B) As used in this section: 74270

(1) "Community school" means a community school established 74271
under Chapter 3314. of the Revised Code. 74272

(2) "Entitled to attend school" means entitled to attend 74273
school in a school district under section 3313.64 or 3313.65 of 74274
the Revised Code. 74275

(3) "Foundation funding" means payments calculated for the 74276
respective fiscal year under Chapter 3317. of the Revised Code. 74277

(4) "Transitional aid funding" means payments calculated for 74278
the respective fiscal year under Section 41.37 of H.B. 95 of the 74279
125th General Assembly, as subsequently amended; Section 206.09.39 74280
of H.B. 66 of the 126th General Assembly, as subsequently amended; 74281
and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 74282

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 74283

In collaboration with the County Family and Children First 74284
Council, a city, local, or exempted village school district, 74285
community school, STEM school, joint vocational school district, 74286
educational service center, or county board of developmental 74287
disabilities that receives allocations from the Department of 74288
Education from appropriation item 200550, Foundation Funding, or 74289
appropriation item 200540, Special Education Enhancements, may 74290
transfer portions of those allocations to a flexible funding pool 74291
authorized by the section of this act entitled "FAMILY AND 74292
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 74293
maintenance of effort or for federal or state funding matching 74294
requirements shall not be transferred unless the allocation may 74295
still be used to meet such requirements. 74296

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 74297

(A) As used in this section: 74298

(1) The following are "participating residential treatment 74299
centers": 74300

(a) Private residential treatment facilities that have 74301
entered into a contract with the Department of Youth Services to 74302
provide services to children placed at the facility by the 74303
Department and which, in fiscal year 2022 or fiscal year 2023 or 74304
both, the Department pays through appropriation item 470401, 74305

RECLAIM Ohio;	74306
(b) Abraxas, in Shelby;	74307
(c) Paint Creek, in Bainbridge;	74308
(d) F.I.R.S.T., in Mansfield.	74309
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	74310 74311 74312
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	74313 74314
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	74315 74316 74317 74318 74319
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	74320 74321 74322
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service	74323 74324 74325 74326 74327 74328 74329 74330 74331 74332 74333 74334 74335

center in the county in which the facility is located shall 74336
provide the educational program at the treatment center to 74337
children under twenty-two years of age residing in the treatment 74338
center. 74339

(C) Any school district responsible for tuition for a 74340
residential child shall, notwithstanding any conflicting provision 74341
of the Revised Code regarding tuition payment, pay tuition for the 74342
child for fiscal year 2022 and fiscal year 2023 to the education 74343
program provider and in the amount specified in this division. If 74344
there is no school district responsible for tuition for a 74345
residential child and if the participating residential treatment 74346
center to which the child is assigned is located in the city,
exempted village, or local school district that, if the child were 74347
not a resident of that treatment center, would be the school 74348
district where the child is entitled to attend school under 74349
sections 3313.64 and 3313.65 of the Revised Code, that school 74350
district, notwithstanding any conflicting provision of the Revised 74351
Code, shall pay tuition for the child for fiscal year 2022 and 74352
fiscal year 2023 under this division unless that school district 74353
is providing the educational program to the child under division 74354
(B) of this section. 74355
74356

A tuition payment under this division shall be made to the 74357
school district, educational service center, or residential 74358
treatment facility providing the educational program to the child. 74359

The amount of tuition paid shall be: 74360

(1) The amount of tuition determined for the district under 74361
division (A) of section 3317.08 of the Revised Code; 74362

(2) In addition, for any student receiving special education 74363
pursuant to an individualized education program as defined in 74364
section 3323.01 of the Revised Code, a payment for excess costs. 74365
This payment shall equal the actual cost to the school district, 74366

educational service center, or residential treatment facility of 74367
providing special education and related services to the student 74368
pursuant to the student's individualized education program, minus 74369
the tuition paid for the child under division (C)(1) of this 74370
section. 74371

A school district paying tuition under this division shall 74372
not include the child for whom tuition is paid in the district's 74373
average daily membership certified under division (A) of section 74374
3317.03 of the Revised Code. 74375

(D) In each of fiscal years 2022 and 2023, the Department of 74376
Education shall reimburse, from appropriations made for the 74377
purpose, a school district, educational service center, or 74378
residential treatment facility, whichever is providing the 74379
service, that has demonstrated that it is in compliance with the 74380
funding criteria for each served child for whom a school district 74381
must pay tuition under division (C) of this section. The amount of 74382
the reimbursement shall be the amount appropriated for this 74383
purpose divided by the full-time equivalent number of children for 74384
whom reimbursement is to be made. 74385

(E) Funds provided to a school district, educational service 74386
center, or residential treatment facility under this section shall 74387
be used to supplement, not supplant, funds from other public 74388
sources for which the school district, service center, or 74389
residential treatment facility is entitled or eligible. 74390

(F) The Department of Education shall track the utilization 74391
of funds provided to school districts, educational service 74392
centers, and residential treatment facilities under this section 74393
and monitor the effect of the funding on the educational programs 74394
they provide in participating residential treatment facilities. 74395
The Department shall monitor the programs for educational 74396
accountability. 74397

Section 265.460. (A) The Superintendent of Public Instruction 74398
may form partnerships with Ohio's business community, including 74399
the Ohio Business Roundtable, to create and implement initiatives 74400
that connect students with the business community in an effort to 74401
increase student engagement and job readiness through internships, 74402
work study, and site-based learning experiences. 74403

(B) If the Superintendent forms a partnership pursuant to 74404
division (A) of this section, the initiatives created and 74405
implemented through that partnership shall do all of the 74406
following: 74407

(1) Support the career connection learning strategies 74408
described in division (B)(2) of section 3301.079 of the Revised 74409
Code; 74410

(2) Provide an opportunity for students to earn high school 74411
credit toward graduation or to meet curriculum requirements in 74412
accordance with divisions (J)(1) and (2) of section 3313.603 of 74413
the Revised Code; 74414

(3) Inform the development of student success plans pursuant 74415
to division (C) of section 3313.6020 of the Revised Code. 74416

Section 265.490. Upon receipt of federal funds under Title 74417
IV, Part A, Student Support and Academic Enrichment Grants, and 74418
after payments are made pursuant to education programs included in 74419
this block grant program, the Department shall direct any unused 74420
funds to cover all or part of the cost of Advanced Placement tests 74421
and International Baccalaureate registration and exam fees for 74422
low-income students. 74423

Section 265.500. Not later than January 1, 2023, the 74424
Department of Education, in consultation with the Department of 74425
Higher Education, shall conduct a study on the results and 74426

cost-effectiveness of the College Credit Plus Program, established 74427
under Chapter 3365. of the Revised Code, and submit a report of 74428
its findings to the Governor, the Speaker of the House of 74429
Representatives, the President of the Senate, and the Director of 74430
the Legislative Service Commission. The study shall include the 74431
cost-effectiveness for secondary schools and participants under 74432
the program, as well as whether participants in the program save 74433
money on college tuition and reduce the amount of time to degree 74434
completion. 74435

Section 265.520. (A) Notwithstanding anything in the Revised 74436
Code to the contrary, the Superintendent of Public Instruction 74437
shall not establish any new academic distress commissions for the 74438
2021-2022 and 2022-2023 school years. 74439

(B) This section does not affect an academic distress 74440
commission established prior to the effective date of this 74441
section. 74442

Section 267.10. ELC OHIO ELECTIONS COMMISSION 74443

General Revenue Fund 74444

GRF 051321 Operating Expenses \$ 394,765 \$ 394,765 74445

TOTAL GRF General Revenue Fund \$ 394,765 \$ 394,765 74446

Dedicated Purpose Fund Group 74447

4P20 051601 Operating Support \$ 207,460 \$ 207,460 74448

TOTAL DPF Dedicated Purpose Fund \$ 207,460 \$ 207,460 74449

Group

TOTAL ALL BUDGET FUND GROUPS \$ 602,225 \$ 602,225 74450

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 74452

DIRECTORS 74453

General Revenue Fund 74454

GRF 881500	Indigent Burial and Cremation Support	\$ 1,000,000	\$ 1,000,000	74455
TOTAL GRF	General Revenue Fund	\$ 1,000,000	\$ 1,000,000	74456
Dedicated Purpose Fund Group				74457
4K90 881609	Operating Expenses	\$ 1,130,516	\$ 1,171,398	74458
TOTAL DPF	Dedicated Purpose Fund Group	\$ 1,130,516	\$ 1,171,398	74459
TOTAL ALL BUDGET FUND GROUPS		\$ 2,130,516	\$ 2,171,398	74460

Section 271.10. PAY EMPLOYEE BENEFITS FUND 74462

Fiduciary Fund Group				74463
1240 995673	Payroll Deductions	\$ 849,020,267	\$ 874,490,874	74464
8060 995666	Accrued Leave Fund	\$ 90,830,634	\$ 93,990,898	74465
8070 995667	Disability Fund	\$ 25,839,844	\$ 26,225,104	74466
8080 995668	State Employee Health Benefit Fund	\$ 989,360,954	\$ 1,023,563,551	74467
8090 995669	Dependent Care Spending Account	\$ 4,477,000	\$ 4,477,000	74468
8100 995670	Life Insurance Investment Fund	\$ 2,050,085	\$ 2,118,913	74469
8110 995671	Parental Leave Benefit Fund	\$ 4,432,933	\$ 4,565,921	74470
8130 995672	Health Care Spending Account	\$ 14,397,032	\$ 14,798,897	74471
TOTAL FID	Fiduciary Fund Group	\$ 1,980,408,749	\$ 2,044,231,158	74472
TOTAL ALL BUDGET FUND GROUPS		\$ 1,980,408,749	\$ 2,044,231,158	74473

Section 271.20. PAYROLL DEDUCTION FUND 74475

The foregoing appropriation item 995673, Payroll Deductions, 74476
shall be used to make payments from the Payroll Deduction Fund 74477
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 74478
is determined by the Director of Budget and Management that 74479

additional amounts are necessary, the amounts are hereby 74480
appropriated. 74481

ACCRUED LEAVE LIABILITY FUND 74482

The foregoing appropriation item 995666, Accrued Leave Fund, 74483
shall be used to make payments from the Accrued Leave Liability 74484
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 74485
If it is determined by the Director of Budget and Management that 74486
additional amounts are necessary, the amounts are hereby 74487
appropriated. 74488

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 74489

The foregoing appropriation item 995667, Disability Fund, 74490
shall be used to make payments from the State Employee Disability 74491
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 74492
Revised Code. If it is determined by the Director of Budget and 74493
Management that additional amounts are necessary, the amounts are 74494
hereby appropriated. 74495

STATE EMPLOYEE HEALTH BENEFIT FUND 74496

The foregoing appropriation item 995668, State Employee 74497
Health Benefit Fund, shall be used to make payments from the State 74498
Employee Health Benefit Fund (Fund 8080) pursuant to section 74499
124.87 of the Revised Code. If it is determined by the Director of 74500
Budget and Management that additional amounts are necessary, the 74501
amounts are hereby appropriated. 74502

DEPENDENT CARE SPENDING FUND 74503

The foregoing appropriation item 995669, Dependent Care 74504
Spending Account, shall be used to make payments from the 74505
Dependent Care Spending Fund (Fund 8090) to employees eligible for 74506
dependent care expenses pursuant to section 124.822 of the Revised 74507
Code. If it is determined by the Director of Budget and Management 74508
that additional amounts are necessary, the amounts are hereby 74509

appropriated.				74510
LIFE INSURANCE INVESTMENT FUND				74511
The foregoing appropriation item 995670, Life Insurance				74512
Investment Fund, shall be used to make payments from the Life				74513
Insurance Investment Fund (Fund 8100) for the costs and expenses				74514
of the state's life insurance benefit program pursuant to section				74515
125.212 of the Revised Code. If it is determined by the Director				74516
of Budget and Management that additional amounts are necessary,				74517
the amounts are hereby appropriated.				74518
PARENTAL LEAVE BENEFIT FUND				74519
The foregoing appropriation item 995671, Parental Leave				74520
Benefit Fund, shall be used to make payments from the Parental				74521
Leave Benefit Fund (Fund 8110) to employees eligible for parental				74522
leave benefits pursuant to section 124.137 of the Revised Code. If				74523
it is determined by the Director of Budget and Management that				74524
additional amounts are necessary, the amounts are hereby				74525
appropriated.				74526
HEALTH CARE SPENDING ACCOUNT FUND				74527
The foregoing appropriation item 995672, Health Care Spending				74528
Account, shall be used to make payments from the Health Care				74529
Spending Account Fund (Fund 8130) for payments pursuant to state				74530
employees' participation in a flexible spending account for				74531
non-reimbursed health care expenses and section 124.821 of the				74532
Revised Code. If it is determined by the Director of Budget and				74533
Management that additional amounts are necessary, the amounts are				74534
hereby appropriated.				74535
Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD				74536
General Revenue Fund				74537
GRF 125321 Operating Expenses	\$	4,011,118	\$	4,116,551
TOTAL GRF General Revenue Fund	\$	4,011,118	\$	4,116,551

Dedicated Purpose Fund Group				74540
5720 125603 Training and Publications	\$	172,160	\$ 242,173	74541
TOTAL DPF Dedicated Purpose Fund Group	\$	172,160	\$ 242,173	74542
TOTAL ALL BUDGET FUND GROUPS	\$	4,183,278	\$ 4,358,724	74543

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 74545

Dedicated Purpose Fund Group				74546
4K90 892609 Operating Expenses	\$	1,312,259	\$ 1,312,259	74547
TOTAL DPF Dedicated Purpose Fund Group	\$	1,312,259	\$ 1,312,259	74548
TOTAL ALL BUDGET FUND GROUPS	\$	1,312,259	\$ 1,312,259	74549

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 74551

General Revenue Fund				74552
GRF 715502 Auto Emissions E-Check Program	\$	9,125,482	\$ 9,125,482	74553
GRF 715404 Recycling Projects	\$	60,000	\$ 10,000	74554
TOTAL GRF General Revenue Fund	\$	9,185,482	\$ 9,135,482	74555
Dedicated Purpose Fund Group				74556
4D50 715618 Recycled State Materials	\$	50,000	\$ 50,000	74557
4J00 715638 Underground Injection Control	\$	456,891	\$ 464,794	74558
4K20 715648 Clean Air - Non Title V	\$	5,317,000	\$ 5,317,000	74559
4K30 715649 Solid Waste	\$	15,604,074	\$ 16,603,928	74560
4K40 715650 Surface Water Protection	\$	11,375,000	\$ 11,565,000	74561
4K50 715651 Drinking Water Protection	\$	7,751,598	\$ 8,429,640	74562

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	74563
4R50	715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259	74564
4R90	715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245	74565
4T30	715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000	74566
5000	715608	Immediate Removal Special Account	\$	722,000	\$	722,000	74567
5030	715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120	74568
5050	715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788	74569
5050	715698	Response and Investigations	\$	3,380,000	\$	3,450,000	74570
5320	715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000	74571
5410	715670	Site Specific Cleanup	\$	771,192	\$	771,192	74572
5420	715671	Risk Management Reporting	\$	210,000	\$	210,000	74573
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	74574
5BC0	715622	Local Air Pollution Control	\$	2,100,000	\$	2,100,000	74575
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	74576
5BC0	715672	Air Pollution Control	\$	8,647,800	\$	8,647,800	74577
5BC0	715673	Drinking and Ground Water	\$	3,769,815	\$	3,769,815	74578
5BC0	715676	Assistance and Prevention	\$	1,968,750	\$	1,968,750	74579
5BC0	715677	Laboratory	\$	3,495,450	\$	3,495,450	74580
5BC0	715678	Corrective Actions	\$	1,176,000	\$	1,176,000	74581
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	74582

5BC0	715692	Administration	\$	16,213,250	\$	15,923,250	74583
5BC0	715694	Environmental Resource Coordination	\$	788,000	\$	793,000	74584
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	74585
5BY0	715681	Auto Emissions Test	\$	1,470,826	\$	1,494,826	74586
5H40	715664	Groundwater Support	\$	332,000	\$	332,000	74587
5PZ0	715696	Drinking Water Loan Fee	\$	2,081,245	\$	2,088,650	74588
5VA0	715601	Marsh Restoration	\$	750,000	\$	750,000	74589
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	74590
6440	715631	Emergency Response Radiological Safety	\$	325,370	\$	332,287	74591
6760	715642	Water Pollution Control Loan Administration	\$	5,055,000	\$	5,455,000	74592
6760	715699	Water Quality Administration	\$	4,100,000	\$	4,223,000	74593
6780	715635	Air Toxic Release	\$	20,000	\$	0	74594
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000	74595
6960	715643	Air Pollution Control Administration	\$	1,002,000	\$	1,002,000	74596
6990	715644	Water Pollution Control Administration	\$	300,000	\$	300,000	74597
6A10	715645	Environmental Education	\$	300,000	\$	300,000	74598
6H20	715695	H2Ohio	\$	10,000,000	\$	10,000,000	74599
TOTAL	DPF	Dedicated Purpose Fund Group	\$	155,858,341	\$	159,075,394	74600
		Internal Service Activity Fund Group					74601
1990	715602	Laboratory Services	\$	533,000	\$	533,000	74602

2190	715604	Central Support	\$	8,075,000	\$	8,675,000	74603
		Indirect					
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000	74604
TOTAL ISA		Internal Service Activity	\$	10,026,000	\$	10,651,000	74605
Fund Group							
Federal Fund Group							74606
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000	74607
3570	715619	Air Pollution Control	\$	6,115,000	\$	6,115,000	74608
		- Federal					
3620	715605	Underground Injection	\$	133,000	\$	133,000	74609
		Control - Federal					
3BU0	715684	Water Quality	\$	15,570,000	\$	15,625,000	74610
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	74611
		Settlements					
3F30	715632	Federally Supported	\$	8,137,195	\$	8,218,775	74612
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	18,766,500	\$	5,876,500	74613
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,141,500	\$	3,148,130	74614
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000	74615
TOTAL FED		Federal Fund Group	\$	54,914,195	\$	42,167,405	74616
TOTAL ALL BUDGET FUND GROUPS			\$	229,984,018	\$	221,029,281	74617

Section 277.20. RECYCLING PROJECTS 74619

The foregoing appropriation item 715404, Recycling Projects, 74620
shall be distributed to the Geauga-Trumbull Solid Waste Management 74621
District for recycling expanded polystyrene. 74622

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 74623
TIRE MANAGEMENT FUND 74624

The Director of Budget and Management, at the request of the 74625

Director of Environmental Protection, and upon approval by the 74626
 Controlling Board, may transfer up to \$1,500,000 cash in each 74627
 fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the 74628
 Auto Emissions Test Fund (Fund 5BY0). 74629

AREAWIDE PLANNING AGENCIES 74630

The Director of Environmental Protection may award grants 74631
 from appropriation item 715687, Areawide Planning Agencies, to 74632
 areawide planning agencies engaged in areawide water quality 74633
 management and planning activities in accordance with Section 208 74634
 of the "Federal Clean Water Act," 33 U.S.C. 1288. 74635

H2OHIO FUND 74636

On July 1, 2022, or as soon as possible thereafter, the 74637
 Director of Environmental Protection may certify to the Director 74638
 of Budget and Management an amount up to the unexpended, 74639
 unencumbered balance of the foregoing appropriation item, 715695, 74640
 H2Ohio, at the end of fiscal year 2022 to be reappropriated in 74641
 fiscal year 2023. Upon Controlling Board approval, the amount 74642
 certified is hereby reappropriated to the same appropriation item 74643
 for fiscal year 2023. 74644

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 74645

General Revenue Fund 74646

GRF 172321	Operating Expenses	\$	651,000	\$	651,000	74647
TOTAL GRF	General Revenue Fund	\$	651,000	\$	651,000	74648
TOTAL ALL BUDGET FUND GROUPS		\$	651,000	\$	651,000	74649

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 74651

General Revenue Fund 74652

GRF 935401	Statehouse News	\$	382,893	\$	382,893	74653
	Bureau					
GRF 935402	Ohio Government	\$	1,919,526	\$	1,919,526	74654

		Telecommunications				
		Services				
GRF	935410	Content Development,	\$	3,909,231	\$	3,909,231
		Acquisition, and				74655
		Distribution				
GRF	935430	Broadcast Education	\$	3,812,325	\$	3,840,067
		Operating				74656
TOTAL GRF	General Revenue Fund		\$	10,023,975	\$	10,051,717
						74657
		Dedicated Purpose Fund Group				74658
5FK0	935608	Media Services	\$	61,500	\$	61,500
						74659
5VB0	935650	Facility Rental	\$	22,400	\$	23,600
						74660
TOTAL DPF	Dedicated Purpose Fund		\$	83,900	\$	85,100
						74661
		Internal Service Activity Fund Group				74662
4F30	935603	Affiliate Services	\$	4,000	\$	4,400
						74663
TOTAL ISA	Internal Service Activity		\$	4,000	\$	4,400
						74664
		Fund				
TOTAL ALL BUDGET FUND GROUPS			\$	10,111,875	\$	10,141,217
						74665

Section 281.20. STATEHOUSE NEWS BUREAU 74667

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 74668
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 74671

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 74672
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 74679

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$964,496 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state share index calculated by the Department of Education.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,650,261 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$294,474 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula

is developed by the Broadcast Educational Media Commission in 74712
 consultation with Ohio's qualified radio reading services. 74713

Section 283.10. ETH OHIO ETHICS COMMISSION 74714

General Revenue Fund 74715

GRF 146321 Operating Expenses	\$	2,120,515	\$	2,120,515	74716
TOTAL GRF General Revenue Fund	\$	2,120,515	\$	2,120,515	74717

Dedicated Purpose Fund Group 74718

4M60 146601 Operating Support	\$	585,539	\$	645,443	74719
TOTAL DPF Dedicated Purpose Fund	\$	585,539	\$	645,443	74720

Group

TOTAL ALL BUDGET FUND GROUPS	\$	2,706,054	\$	2,765,958	74721
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 74723

General Revenue Fund 74724

GRF 723403 Junior Fair Subsidy	\$	261,900	\$	363,750	74725
TOTAL GRF General Revenue Fund	\$	261,900	\$	363,750	74726

Dedicated Purpose Fund Group 74727

4N20 723602 Ohio State Fair	\$	325,000	\$	325,000	74728
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Harness Racing

5060 723601 Operating Expenses	\$	15,179,189	\$	15,953,148	74729
5060 723604 Grounds Maintenance	\$	300,000	\$	300,000	74730

and Repairs

TOTAL DPF Dedicated Purpose Fund	\$	15,804,189	\$	16,578,148	74731
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	16,066,089	\$	16,941,898	74732
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STATE FAIR RESERVE 74733

The General Manager of the Expositions Commission, in 74734
 consultation with the Director of Budget and Management, may 74735
 submit a request to the Controlling Board to use available amounts 74736
 in the State Fair Reserve Fund (Fund 6400) if revenues from either 74737

the 2021 or the 2022 Ohio State Fair are unexpectedly low. 74738

On July 1 of each fiscal year, or as soon as possible 74739
thereafter, the Director of Budget and Management, in consultation 74740
with the General Manager of the Expositions Commission, may 74741
determine that the Ohio Expositions Fund (Fund 5060) has a cash 74742
balance in excess of the anticipated operating costs of the 74743
Exposition Commission in that fiscal year. Notwithstanding section 74744
991.04 of the Revised Code, the Director of Budget and Management 74745
may transfer an amount up to the excess cash from Fund 5060 to 74746
Fund 6400 in each fiscal year. 74747

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 74748

General Revenue Fund 74749

GRF	230321	Operating Expenses	\$	6,449,865	\$	6,769,488	74750
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GRF	230401	Cultural Facilities	\$	22,000,000	\$	28,000,000	74751
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Lease Rental Bond

Payments

GRF	230458	State Construction	\$	1,924,111	\$	1,962,955	74752
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Management Services

GRF	230908	Common Schools	\$	427,000,000	\$	390,000,000	74753
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General Obligation

Bond Debt Service

TOTAL GRF	General Revenue Fund	\$	457,373,976	\$	426,732,443	74754
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Internal Service Activity Fund Group 74755

1310	230639	State Construction	\$	8,257,500	\$	8,546,513	74756
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Management Services

TOTAL ISA	Internal Service Activity	\$	8,257,500	\$	8,546,513	74757
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Fund

TOTAL ALL BUDGET FUND GROUPS	\$	465,631,476	\$	435,278,956	74758
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Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 74760

PAYMENTS 74761

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 74770

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 74776

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code and to provide tools and services to state agency, university, and K-12 public school projects, including oversight of the Ohio Administrative Knowledge System Capital Improvements Module (OAKS-CI).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 74785

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the

Revised Code. The Executive Director of the Ohio Facilities
Construction Commission shall certify the amounts of the canceled
encumbrances to the Director of Budget and Management on a
quarterly basis. The amounts of the canceled encumbrances are
hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND
APPROPRIATIONS

On July 1, 2021, or as soon as possible thereafter, the
Executive Director of the Ohio Facilities Construction Commission
shall certify to the Director of Budget and Management the amount
of cash receipts and related investment income, irrevocable
letters of credit from a bank, or certification of the
availability of funds that have been received from a county or a
municipal corporation for deposit into the Capital Donations Fund
(Fund 5A10) and that are related to an anticipated project. These
amounts are hereby appropriated to appropriation item C37146,
Capital Donations. Prior to certifying these amounts to the
Director, the Executive Director shall make a written agreement
with the participating entity on the necessary cash flows required
for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR
MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the
project agreement between the Commission and a school district
that is participating in the Accelerated Urban School Building
Assistance Program as of September 29, 2018, if the Commission
determines that it is necessary to do so in order to comply with
division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 287.60. Notwithstanding any other provision of law to
the contrary, the Ohio Facilities Construction Commission may

determine the amount of funding available for disbursement in a 74822
given fiscal year for any project approved under sections 3318.01 74823
to 3318.20 of the Revised Code in order to keep aggregate state 74824
capital spending within approved limits and may take actions 74825
including, but not limited to, determining the schedule for design 74826
or bidding of approved projects, to ensure appropriate and 74827
supportable cash flow. 74828

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 74829
DISTRICT 74830

Notwithstanding division (B) of section 3318.40 of the 74831
Revised Code, in each fiscal year in which funds are available for 74832
additional projects, the Ohio Facilities Construction Commission 74833
shall provide assistance to at least one joint vocational school 74834
district for the acquisition or improvement of classroom 74835
facilities in accordance with sections 3318.40 to 3318.45 of the 74836
Revised Code. 74837

Section 287.80. RETURNED OR RECOVERED FUNDS 74838

Notwithstanding any provision of law to the contrary, any 74839
moneys a school district transfers to the Ohio Facilities 74840
Construction Commission under division (C)(2) or (3) of section 74841
3318.12 of the Revised Code as well as any moneys recovered from 74842
settlements with or judgments against parties relating to their 74843
involvement in a classroom facilities project shall be deposited 74844
into the fund from which the capital appropriation for the project 74845
was made. In any fiscal year in which the Commission has made a 74846
deposit under this section, the Executive Director of the Ohio 74847
Facilities Construction Commission may request the Director of 74848
Budget and Management to authorize expenditures from those funds 74849
and specified appropriation items in excess of the amounts 74850
appropriated in an amount equal to the amount of the funds 74851

deposited under this section. The additional amounts, if 74852
authorized, shall be used in accordance with the purposes of 74853
Chapter 3318. of the Revised Code for projects pursuant to 74854
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 74855
Revised Code. Upon approval of the Director of Budget and 74856
Management, the additional amounts are hereby appropriated. 74857

Section 289.10. GOV OFFICE OF THE GOVERNOR 74858

General Revenue Fund 74859

GRF 040321 Operating Expenses \$ 2,973,034 \$ 2,973,034 74860

TOTAL GRF General Revenue Fund \$ 2,973,034 \$ 2,973,034 74861

Internal Service Activity Fund Group 74862

5AK0 040607 Government Relations \$ 619,988 \$ 619,988 74863

TOTAL ISA Internal Service Activity 74864

Fund Group \$ 619,988 \$ 619,988 74865

TOTAL ALL BUDGET FUND GROUPS \$ 3,593,022 \$ 3,593,022 74866

GOVERNMENT RELATIONS 74867

The Office of the Governor may issue an intrastate transfer 74868
voucher to charge any state agency of the executive branch such 74869
amounts necessary to represent the interests of Ohio to federal, 74870
state, and local government units and to cover the costs or 74871
membership dues related to Ohio's participation in national and 74872
regional associations. Amounts collected shall be deposited in the 74873
Government Relations Fund (Fund 5AK0). 74874

Section 291.10. DOH DEPARTMENT OF HEALTH 74875

General Revenue Fund 74876

GRF 440413 Local Health \$ 8,379,808 \$ 2,379,808 74877

Departments

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 74878

Safety Net Services

GRF 440431	Free Clinic Safety Net Services	\$	1,500,000	\$	1,500,000	74879
GRF 440438	Breast and Cervical Cancer Screening	\$	1,021,131	\$	1,021,131	74880
GRF 440444	AIDS Prevention	\$	3,493,468	\$	3,493,468	74881
GRF 440451	Public Health Laboratory	\$	3,672,005	\$	3,672,005	74882
GRF 440452	Child and Family Health Services Match	\$	589,482	\$	589,482	74883
GRF 440453	Health Care Quality Assurance	\$	6,084,936	\$	6,084,936	74884
GRF 440454	Environmental Health/Radiation Protection	\$	2,779,841	\$	2,779,841	74885
GRF 440459	Help Me Grow	\$	41,242,281	\$	41,242,281	74886
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688	74887
GRF 440472	Alcohol Testing	\$	1,210,805	\$	1,210,805	74888
GRF 440474	Infant Vitality	\$	17,637,292	\$	12,137,292	74889
GRF 440477	Emergency Preparedness and Response	\$	1,431,954	\$	1,431,954	74890
GRF 440481	Lupus Awareness	\$	210,000	\$	210,000	74891
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	11,148,480	\$	7,898,480	74892
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	74893
GRF 440484	Public Health Technology Innovation	\$	1,313,760	\$	1,313,760	74894
GRF 440485	Health Program Support	\$	125,000	\$	125,000	74895
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451	74896
GRF 440507	Targeted Health Care	\$	2,000,000	\$	2,000,000	74897

	Services-Over 21			
GRF 440527	Lead Abatement	\$	7,150,000	\$ 7,150,000 74898
GRF 440529	Harm Reduction	\$	50,000	\$ 50,000 74899
GRF 440530	Lead-Safe Home Fund	\$	1,000,000	\$ 1,000,000 74900
	Pilot Program			
GRF 440672	Youth Homelessness	\$	2,500,000	\$ 2,500,000 74901
GRF 654453	Medicaid - Health Care	\$	4,246,250	\$ 4,246,250 74902
	Quality Assurance			
TOTAL GRF	General Revenue Fund	\$	141,561,298	\$ 126,811,298 74903
	Highway Safety Fund Group 74904			
4T40 440603	Child Highway Safety	\$	200,000	\$ 200,000 74905
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$ 200,000 74906
	Dedicated Purpose Fund Group 74907			
4700 440647	Fee Supported Programs	\$	29,178,120	\$ 29,178,120 74908
4710 440619	Certificate of Need	\$	878,433	\$ 878,433 74909
4730 440622	Lab Operating Expenses	\$	8,900,000	\$ 8,900,000 74910
4770 440627	Medically Handicapped	\$	5,000,000	\$ 5,000,000 74911
	Children Audit			
4D60 440608	Genetics Services	\$	3,311,039	\$ 3,311,039 74912
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$ 1,032,824 74913
	Control			
4G00 440636	Heirloom Birth	\$	15,000	\$ 15,000 74914
	Certificate			
4G00 440637	Birth Certificate	\$	15,000	\$ 15,000 74915
	Surcharge			
4L30 440609	HIV Care and	\$	38,704,139	\$ 38,719,096 74916
	Miscellaneous Expenses			
4P40 440628	Ohio Physician Loan	\$	700,000	\$ 700,000 74917
	Repayment			
4V60 440641	Save Our Sight	\$	2,500,000	\$ 2,500,000 74918
5B50 440616	Quality, Monitoring,	\$	736,194	\$ 736,194 74919
	and Inspection			

5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	74920
5CN0	440645	Choose Life	\$	80,000	\$	80,000	74921
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	74922
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	74923
5G40	440639	Adoption Services	\$	100,000	\$	100,000	74924
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	74925
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	74926
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	74927
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	74928
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	74929
6100	440626	Radiation Emergency Response	\$	1,300,000	\$	1,300,000	74930
6660	440607	Medically Handicapped Children - County Assessments	\$	24,000,000	\$	24,000,000	74931
6980	440634	Nurse Aide Training	\$	125,000	\$	125,000	74932
TOTAL DPF		Dedicated Purpose Fund Group	\$	134,505,749	\$	134,520,706	74933
		Internal Service Activity Fund Group					74934
1420	440646	Agency Health Services	\$	5,000,000	\$	5,000,000	74935
2110	440613	Central Support Indirect Costs	\$	29,750,000	\$	29,750,000	74936
TOTAL ISA		Internal Service Activity Fund Group	\$	34,750,000	\$	34,750,000	74937
		Holding Account Fund Group					74938

R014	440631	Vital Statistics	\$	44,986	\$	44,986	74939
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	74940
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	74941
Group							
Federal Fund Group							74942
3200	440601	Maternal Child Health	\$	25,000,000	\$	25,000,000	74943
		Block Grant					
3870	440602	Preventive Health	\$	9,750,000	\$	9,750,000	74944
		Block Grant					
3890	440604	Women, Infants, and	\$	220,000,000	\$	220,000,000	74945
		Children					
3910	440606	Medicare Survey and	\$	19,300,000	\$	19,300,000	74946
		Certification					
3920	440618	Federal Public Health	\$	105,000,000	\$	105,000,000	74947
		Programs					
3GD0	654601	Medicaid Program	\$	36,040,949	\$	36,040,949	74948
		Support					
3GN0	440660	Public Health	\$	26,500,000	\$	26,500,000	74949
		Emergency					
		Preparedness					
3HP0	440673	Public Health	\$	350,000,000	\$	150,000,000	74950
		Emergency Response					
3HV0	440679	COVID-19 Vaccines	\$	50,000,000	\$	0	74951
		Distribution and					
		Administration					
TOTAL FED		Federal Fund Group	\$	841,590,949	\$	591,590,949	74952
TOTAL ALL		BUDGET FUND GROUPS	\$	1,152,672,982	\$	887,937,939	74953

Section 291.20. LOCAL HEALTH DEPARTMENTS 74955

Of the foregoing appropriation item 440413, Local Health 74956
Departments, up to \$6,000,000 in fiscal year 2022 shall be used to 74957

conduct the studies required under section 3709.012 of the Revised Code. Any remaining funds from this earmark may be used to support local health departments' efforts to improve population health, based upon the findings and recommendations in Ohio's 2020-2022 State Health Improvement Plan, and/or to incentivize efficiencies among local health departments, including the use of shared services or the consolidation of local health departments that formally merge on or after July 1, 2021. Funding for mergers shall be distributed only after a formal merger agreement is signed by two or more local health departments and shared with the Department of Health. The funding shall be used to cover the costs related to the merger and to build capacity for the newly combined local health department in order to improve services to the public and the health of all residents. A portion of this funding may also be used to support pre-merger analysis and planning for departments not impacted by section 3709.012 of the Revised Code that are interested in a merger. The Director of Health shall seek Controlling Board approval before any funds can be expended from this earmark.

On July 1, 2022, or as soon as possible thereafter, the Director of Health may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 440413, Local Health Departments, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

MOTHERS AND CHILDREN SAFETY NET SERVICES

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, \$15,000 in each fiscal year shall be distributed to the Trumbull County chapter of Sleep in Heavenly Peace, Inc.

Of the foregoing appropriation item 440416, Mothers and

Children Safety Net Services, up to \$200,000 in each fiscal year 74990
may be used to assist families with hearing-impaired children 74991
under twenty-one years of age in purchasing hearing aids and 74992
hearing assistive technology. The Director of Health shall adopt 74993
rules governing the distribution of these funds, including rules 74994
that do both of the following: (1) establish eligibility criteria 74995
to include families with incomes at or below four hundred per cent 74996
of the federal poverty guidelines as defined in section 5101.46 of 74997
the Revised Code, and (2) develop a sliding scale of disbursements 74998
under this section based on family income. The Director may adopt 74999
other rules as necessary to implement this section. Rules adopted 75000
under this section shall be adopted in accordance with Chapter 75001
119. of the Revised Code. 75002

FREE CLINIC SAFETY NET SERVICES 75003

The foregoing appropriation item 440431, Free Clinic Safety 75004
Net Services, shall be provided to the Charitable Healthcare 75005
Network. Funds may be used to reimburse free clinics for health 75006
care services provided, as well as for administrative services, 75007
information technology costs, infrastructure repair, or other 75008
clinic necessities. Additionally, the Director of Health may 75009
designate up to five per cent of the appropriation in each fiscal 75010
year to pay the administrative costs the Department of Health 75011
incurs for operating the program. 75012

AIDS PREVENTION 75013

The foregoing appropriation item 440444, AIDS Prevention, 75014
shall be used to administer educational and other prevention 75015
initiatives. 75016

FQHC PRIMARY CARE WORKFORCE INITIATIVE 75017

The foregoing appropriation item 440465, FQHC Primary Care 75018
Workforce Initiative, shall be provided to the Ohio Association of 75019
Community Health Centers to administer the FQHC Primary Care 75020

Workforce Initiative. The Initiative shall provide medical, 75021
dental, behavioral health, physician assistant, and advanced 75022
practice nursing students with clinical rotations through 75023
federally qualified health centers. 75024

INFANT VITALITY 75025

Of the foregoing appropriation item, 440474, Infant Vitality, 75026
up to \$5,000,000 in fiscal year 2022 shall be used, in 75027
consultation with the Governor's Office of Children's Initiatives, 75028
to support programming by community and local faith-based service 75029
providers that invests in maternal health programs, provides 75030
services and support to pregnant mothers, and improves both 75031
maternal and infant health outcomes. 75032

Of the foregoing appropriation item 440474, Infant Vitality, 75033
up to \$500,000 in fiscal year 2022 shall be used, in consultation 75034
with the Department of Medicaid, to develop a universal needs 75035
assessment to identify and provide needed health and wraparound 75036
supports for vulnerable women. 75037

The remainder of appropriation item 440474, Infant Vitality, 75038
shall be used to fund a multi-pronged population health approach 75039
to address infant mortality. This approach may include the 75040
following: increasing awareness; supporting data collection; 75041
analysis and interpretation to inform decision-making and ensure 75042
accountability; targeting resources where the need is greatest; 75043
and implementing quality improvement science and programming that 75044
is evidence-based or based on emerging practices. Measurable 75045
interventions may include activities related to safe sleep, 75046
community engagement, Centering Pregnancy, newborn screening, safe 75047
birth spacing, gestational diabetes, smoking cessation, 75048
breastfeeding, care coordination, and progesterone. 75049

EMERGENCY PREPAREDNESS AND RESPONSE 75050

The foregoing appropriation item 440477, Emergency 75051

Preparedness and Response, shall be used to support public health 75052
emergency preparedness and response efforts. This appropriation 75053
may also be used to support data infrastructure projects and other 75054
data analysis and analytics work. 75055

LUPUS AWARENESS 75056

The foregoing appropriation item 440481, Lupus Awareness, 75057
shall be distributed to the Lupus Foundation of America, Greater 75058
Ohio Chapter, Inc., to operate a lupus education and awareness 75059
program. 75060

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 75061

Of the foregoing appropriation item 440482, Chronic Disease, 75062
Injury Prevention and Drug Overdose, up to \$3,000,000 in fiscal 75063
year 2022 shall be used, in consultation with the Department of 75064
Mental Health and Addiction Services and the Governor's 75065
RecoveryOhio Initiative, to support the continuation of the 75066
Emergency Department Comprehensive Care Initiative to enhance 75067
Ohio's response to the addiction crisis by creating a 75068
comprehensive system of care for patients who present in emergency 75069
departments with addiction. 75070

Of the foregoing appropriation item 440482, Chronic Disease, 75071
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 75072
2022 shall be used, in consultation with the Governor's 75073
RecoveryOhio Initiative, to support local health providers' harm 75074
reduction efforts to reduce overdose rates and deaths. 75075

Of the foregoing appropriation item 440482, Chronic Disease, 75076
Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 75077
shall be distributed to the Dental Center of Northwest Ohio to be 75078
used for clinical equipment at its practice in Toledo. 75079

INFECTIOUS DISEASE PREVENTION AND CONTROL 75080

On July 1, 2022, or as soon as possible thereafter, the 75081

Director of Health may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 440483, Infectious Disease Prevention and Control, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

TARGETED HEALTH CARE SERVICES-OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend \$100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21.

LEAD ABATEMENT

Of the foregoing appropriation item 440527, Lead Abatement, \$400,000 in each fiscal year shall be used by the Department of Health to distribute funds to the city of Toledo for lead-based paint abatement, containment, and housing rehabilitation projects in the historic south neighborhoods of Toledo. The Department may choose to require matching funding and to include project and reporting requirements before distributing funds.

HARM REDUCTION

The foregoing appropriation item 440529, Harm Reduction, 75113
shall be used to distribute funding to local health departments or 75114
a partner agency to operate harm reduction programs, including 75115
syringe services. Local health departments eligible for funding 75116
shall be accredited or in the process of becoming accredited 75117
through the Public Health Accreditation Board. 75118

LEAD-SAFE HOME FUND PILOT PROGRAM 75119

The foregoing appropriation item 440530, Lead-Safe Home Fund 75120
Pilot Program, shall be used by the Department of Health to make 75121
distributions on a quarterly basis to the Lead Safe Cleveland 75122
Coalition for the Lead-Safe Home Fund Pilot Program. Before any 75123
funds are distributed, the Coalition shall provide the Department 75124
with documentation showing the amount of private sector dollars 75125
the Coalition has collected. The amount of each distribution 75126
provided by the Department shall not exceed the amount documented. 75127
Total disbursements shall not exceed \$1,000,000 in each fiscal 75128
year. 75129

YOUTH HOMELESSNESS 75130

Of the foregoing appropriation item 440672, Youth 75131
Homelessness, \$900,000 in each fiscal year shall be distributed to 75132
the Star House for its Drop-In Center and its Carol Stewart 75133
Village to provide services for homeless youth. 75134

The remainder of appropriation item 440672, Youth 75135
Homelessness, shall be used to address homelessness in youth and 75136
pregnant women by providing assertive outreach to provide stable 75137
housing, including recovery housing. 75138

FEE SUPPORTED PROGRAMS 75139

Of the foregoing appropriation item 440647, Fee Supported 75140
Programs, \$2,160,000 in each fiscal year shall be used to 75141
distribute subsidies, on a per capita basis, to local health 75142
departments accredited through the Public Health Accreditation 75143

Board, or local health departments that are in the process of 75144
earning accreditation. 75145

Of the foregoing appropriation item 440647, Fee Supported 75146
Programs, \$1,840,000 in each fiscal year shall be used to 75147
distribute subsidies to local health departments accredited 75148
through the Public Health Accreditation Board on a per capita 75149
basis. 75150

MEDICALLY HANDICAPPED CHILDREN AUDIT 75151

The Medically Handicapped Children Audit Fund (Fund 4770) 75152
shall receive revenue from audits of hospitals and recoveries from 75153
third-party payers. Moneys may be expended for payment of audit 75154
settlements and for costs directly related to obtaining recoveries 75155
from third-party payers and for encouraging Medically Handicapped 75156
Children's Program recipients to apply for third-party benefits. 75157
Moneys also may be expended for payments for diagnostic and 75158
treatment services on behalf of medically handicapped children, as 75159
defined in division (A) of section 3701.022 of the Revised Code, 75160
and Ohio residents who are twenty-one or more years of age and who 75161
are suffering from cystic fibrosis or hemophilia. Moneys may also 75162
be expended for administrative expenses incurred in operating the 75163
Medically Handicapped Children's Program. 75164

GENETICS SERVICES 75165

The foregoing appropriation item 440608, Genetics Services, 75166
shall be used by the Department of Health to administer programs 75167
authorized by sections 3701.501 and 3701.502 of the Revised Code. 75168
None of these funds shall be used to counsel or refer for 75169
abortion, except in the case of a medical emergency. 75170

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 75171

Of the foregoing appropriation item 440656, Tobacco Use 75172
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 75173
year shall be used to award grants in accordance with the section 75174

of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 75175

Of the foregoing appropriation item 440656, Tobacco Use 75176
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 75177
year shall be distributed to boards of health for the Baby and Me 75178
Tobacco Free Program. The Director of Health shall determine how 75179
the funds are to be distributed, but shall prioritize awards to 75180
boards that serve women who reside in communities that have the 75181
highest infant mortality rates in this state, as identified under 75182
section 3701.142 of the Revised Code. 75183

The remainder of appropriation item 440656, Tobacco Use 75184
Prevention, Cessation, and Enforcement, shall be used to 75185
administer tobacco use prevention and cessation activities and 75186
programs, to administer compliance checks, retailer education, and 75187
programs related to legal age restrictions, and to enforce the 75188
Ohio Smoke-Free Workplace Act. 75189

TOXICOLOGY SCREENINGS 75190

The foregoing appropriation item 440621, Toxicology 75191
Screenings, shall be used to reimburse county coroners in counties 75192
in which the coroner has performed toxicology screenings on 75193
victims of a drug overdose. The Director of Health shall transfer 75194
the funds to the counties in proportion to the numbers of 75195
toxicology screenings performed per county. 75196

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 75197

The foregoing appropriation item 440607, Medically 75198
Handicapped Children - County Assessments, shall be used to make 75199
payments under division (E) of section 3701.023 of the Revised 75200
Code. 75201

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 75202

If the Director of Health determines that there are 75203
insufficient funds in appropriation item 440477, Emergency 75204

Preparedness and Response, for public health emergency 75205
preparedness and response activities, the Director may certify to 75206
the Director of Budget and Management an amount necessary to 75207
address these activities. Upon certification, the Director of 75208
Budget and Management shall transfer up to \$500,000 cash in each 75209
fiscal year from the Controlling Board Emergency 75210
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 75211
Preparedness and Response Fund (Fund 5UA0). The amount transferred 75212
is hereby appropriated. 75213

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 75214

(A) The Department of Health shall create the Moms Quit for 75215
Two Grant Program. Recognizing the significant health risks posed 75216
to women and their children by tobacco use during and after 75217
pregnancy, the Department shall award grants to private, nonprofit 75218
entities or government entities that demonstrate the ability to 75219
deliver evidence-based tobacco cessation interventions to women 75220
who reside in communities that have the highest incidence of 75221
infant mortality, as determined by the Director of Health, and who 75222
are pregnant or live with children. Funds awarded under this 75223
section shall not be used to provide tobacco cessation 75224
interventions to women who are eligible for Medicaid. The 75225
Department may adopt any rules it considers necessary to 75226
administer the Program. 75227

(B) The Department shall create a grant application and 75228
develop a process for receiving and evaluating completed grant 75229
applications on a competitive basis. The Department shall give 75230
first preference to the entities described in division (A) of this 75231
section that are able to target the interventions to pregnant 75232
women and second preference to such entities that are able to 75233
target the interventions to women living with children. The 75234
Department's decision regarding a submitted grant application is 75235

final. 75236

(C) The Department shall establish performance objectives to 75237
be met by grant recipients. The Department shall monitor the 75238
performance of each grant recipient in meeting the objectives. 75239

Section 291.40. WIC VENDOR CONTRACTS 75240

(A) As used in this section, "WIC" means the Special 75241
Supplemental Nutrition Program for Women, Infants, and Children 75242
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 75243
42 U.S.C. 1786, as amended. 75244

(B) During fiscal year 2022 and fiscal year 2023, the 75245
Department of Health shall process and review a WIC vendor 75246
contract application pursuant to Chapter 3701-42 of the 75247
Administrative Code not later than forty-five days after receipt 75248
of the application if the applicant is a WIC-contracted vendor at 75249
the time of application and meets all of the following 75250
requirements: 75251

(1) Submits a complete WIC vendor application with all 75252
required documents and information; 75253

(2) Passes the required unannounced preauthorization visit 75254
within forty-five days of submitting a complete application; 75255

(3) Completes the required in-person training within 75256
forty-five days of submitting the complete application. 75257

(C) If an applicant fails to meet any of the requirements 75258
described in division (B) of this section, the Department shall 75259
deny the application for the contract. After an application has 75260
been denied, the applicant may reapply for a contract to act as a 75261
WIC vendor during the contracting cycle that is applicable to the 75262
applicant's WIC region. 75263

Section 291.60. (A) As used in this section, "adult education 75264

institution" means a private, nonprofit provider of career 75265
education and training for adults that is licensed, accredited, or 75266
credentialed, or otherwise recognized in a manner approved by the 75267
Department of Health. 75268

(B) In fiscal years 2022 and 2023, the Department of Health 75269
shall establish and operate a Frontline Health Care Worker 75270
Education, Training, and Certification Pilot Program to reimburse 75271
adult education institutions for the cost of education and 75272
wraparound services provided to students as specified in divisions 75273
(C) and (D) of this section. In order to be eligible for 75274
reimbursement under the pilot program, an adult education 75275
institution must not receive other higher education funding from 75276
the state. 75277

(C) Both of the following are eligible for reimbursement 75278
under the pilot program, if provided to a student who meets the 75279
criteria specified in division (D) of this section: 75280

(1) Education-related expenses, including tuition, course 75281
fees, laboratory fees, enrollment application fees, books, and 75282
supplies; 75283

(2) Costs associated with the provision of, or referral for, 75284
the following wraparound services: 75285

(a) Smoking cessation; 75286

(b) Drug and alcohol counseling; 75287

(c) College and career access advising; 75288

(d) Financial aid counseling and scholarship retention 75289
services; 75290

(e) Workability and employability skills training involving 75291
such skills as communication, teamwork, critical thinking, ethics, 75292
computer skills, and life skills; 75293

(f) Employment placement and retention services;	75294
(g) Financial literacy programming;	75295
(h) Any other similar or related service approved by the Department of Health.	75296 75297
(D) For an education-related expense or a wraparound service to be eligible for reimbursement under the pilot program, the expense must be for, or the service must be provided to, a student who meets all of the following:	75298 75299 75300 75301
(1) The student is eighteen years old or older.	75302
(2) The student is actively enrolled at an adult education institution in a program to prepare the student for employment in any of the following professions:	75303 75304 75305
(a) Health care virtual assistant;	75306
(b) Medical assistant;	75307
(c) Medical coder;	75308
(d) Nurse aide;	75309
(e) Patient care assistant;	75310
(f) Phlebotomist.	75311
(3) The student's primary residence meets all of the following:	75312 75313
(a) Is in a county that has a population of five hundred thousand or more according to the 2010 federal decennial census;	75314 75315
(b) Is in a county that has experienced more than fifteen thousand confirmed cases of COVID-19 during the period of March 1, 2020, through December 31, 2020;	75316 75317 75318
(c) Is a severely distressed area, distressed area, or underserved area as defined by the United States Department of Housing and Urban Development.	75319 75320 75321

(E) The Department may adopt rules in accordance with Chapter 75322
 119. of the Revised Code to implement the pilot program. 75323

(F) The foregoing appropriation item 440485, Health Program 75324
 Support, shall be used to provide reimbursements under the 75325
 Frontline Healthcare Worker Education, Training, and Certification 75326
 Pilot Program. 75327

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 75328

Dedicated Purpose Fund Group 75329
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 75330
 TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 75331
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 75332

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 75334

General Revenue Fund 75335
 GRF 148321 Operating Expenses \$ 464,047 \$ 464,047 75336
 TOTAL GRF General Revenue Fund \$ 464,047 \$ 464,047 75337
 Dedicated Purpose Fund Group 75338
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 75339
 TOTAL DPF Dedicated Purpose Fund \$ 24,558 \$ 24,558 75340
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 488,605 \$ 488,605 75341

Section 297.10. OHS OHIO HISTORY CONNECTION 75343

General Revenue Fund 75344
 GRF 360501 Education and \$ 5,016,092 \$ 5,016,092 75345
 Collections
 GRF 360502 Site and Museum \$ 6,532,753 \$ 6,532,753 75346
 Operations
 GRF 360504 Ohio Preservation \$ 261,609 \$ 261,609 75347

		Office					
GRF	360505	National	\$	536,050	\$	536,050	75348
		Afro-American Museum					
GRF	360506	Hayes Presidential	\$	572,880	\$	572,880	75349
		Center					
GRF	360508	State Historical	\$	1,494,805	\$	1,494,805	75350
		Grants					
GRF	360509	Outreach and	\$	144,692	\$	144,692	75351
		Partnership					
TOTAL GRF		General Revenue Fund	\$	14,558,881	\$	14,558,881	75352
		Dedicated Purpose Fund Group					75353
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000	75354
		Check-off					
5PD0	360603	Ohio History License	\$	10,000	\$	10,000	75355
		Plate					
5XV0	360525	Ohio Commission for	\$	400,000	\$	0	75356
		the U.S.					
		Semiquincentennial					
TOTAL DPF		Dedicated Purpose Fund	\$	560,000	\$	160,000	75357
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	15,118,881	\$	14,718,881	75358

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2022 and fiscal year 2023 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management.

The foregoing appropriations shall be considered to be the

contractual consideration provided by the state to support the 75370
state's offer to contract with the Ohio History Connection under 75371
section 149.30 of the Revised Code. 75372

STATE HISTORICAL GRANTS 75373

Of the foregoing appropriation item 360508, State Historical 75374
Grants, \$325,000 in each fiscal year shall be used for the 75375
Cleveland Institute of Art. 75376

Of the foregoing appropriation item 360508, State Historical 75377
Grants, \$250,000 in each fiscal year shall be allocated to create 75378
the Institute of Informal Science Education to be housed at the 75379
Boonshoft Museum of Discovery for distance learning, including 75380
implementation of a pilot program. The Boonshoft Museum shall 75381
complete an efficacy report as to the result of the education of 75382
participants in the pilot program to be submitted to the General 75383
Assembly. 75384

Of the foregoing appropriation item 360508, State Historical 75385
Grants, \$150,000 in each fiscal year shall be used for the Western 75386
Reserve Historical Society, and \$150,000 in each fiscal year shall 75387
be used for the Cincinnati Museum Center. 75388

Of the foregoing appropriation item 360508, State Historical 75389
Grants, \$100,000 in each fiscal year shall be used for the Nancy 75390
and David Wolf Holocaust and Humanity Center. 75391

Of the foregoing appropriation item 360508, State Historical 75392
Grants, \$100,000 in each fiscal year shall be used for The 75393
Cleveland Museum of Art. 75394

Of the foregoing appropriation item 360508, State Historical 75395
Grants, \$100,000 in each fiscal year shall be used for The 75396
Cleveland Orchestra. 75397

Of the foregoing appropriation item 360508, State Historical 75398
Grants, \$50,000 in each fiscal year shall be used for the Jewish 75399

Federation of Cincinnati to support the Jewish Cincinnati				75400
Bicentennial.				75401
OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL				75402
The foregoing appropriation item 360525, Ohio Commission for				75403
the U.S. Semiquincentennial, shall be used by the Ohio Commission				75404
for the U.S. Semiquincentennial for costs incurred in the				75405
performance of its duties under section 149.309 of the Revised				75406
Code.				75407
Section 298.10. HGM HOLOCAUST AND GENOCIDE MEMORIAL AND				75408
EDUCATION COMMISSION				75409
General Revenue Fund				75410
GRF 525501 Operating Expenses	\$	100,000	\$ 100,000	75411
TOTAL GRF General Revenue Fund	\$	100,000	\$ 100,000	75412
TOTAL ALL BUDGET FUND GROUPS	\$	100,000	\$ 100,000	75413
Section 298.20. OPERATING EXPENSES				75415
The foregoing appropriation item 525501, Operating Expenses,				75416
shall be used to support the operations of the Holocaust and				75417
Genocide Memorial and Education Commission established under				75418
section 197.03 of the Revised Code, including employment of a				75419
Director of the Office of the Commission and any other employees				75420
approved by the Commission.				75421
Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES				75422
General Revenue Fund				75423
GRF 025321 Operating Expenses	\$	25,917,274	\$ 25,917,274	75424
TOTAL GRF General Revenue Fund	\$	25,917,274	\$ 25,917,274	75425
Internal Service Activity Fund Group				75426
1030 025601 House of	\$	1,433,664	\$ 1,433,664	75427
Representatives				

				Reimbursement			
4A40	025602	Miscellaneous Sales	\$	50,000	\$	50,000	75428
TOTAL ISA Internal Service Activity							75429
Fund Group			\$	1,483,664	\$	1,483,664	75430
TOTAL ALL BUDGET FUND GROUPS			\$	27,400,938	\$	27,400,938	75431
OPERATING EXPENSES							75432
On July 1, 2021, or as soon as possible thereafter, the Chief							75433
Administrative Officer of the House of Representatives may certify							75434
to the Director of Budget and Management an amount up to the							75435
unexpended, unencumbered balance of the foregoing appropriation							75436
item 025321, Operating Expenses, at the end of fiscal year 2021 to							75437
be reappropriated to fiscal year 2022. The amount certified is							75438
hereby reappropriated to the same appropriation item for fiscal							75439
year 2022.							75440
On July 1, 2022, or as soon as possible thereafter, the Chief							75441
Administrative Officer of the House of Representatives may certify							75442
to the Director of Budget and Management an amount up to the							75443
unexpended, unencumbered balance of the foregoing appropriation							75444
item 025321, Operating Expenses, at the end of fiscal year 2022 to							75445
be reappropriated to fiscal year 2023. The amount certified is							75446
hereby reappropriated to the same appropriation item for fiscal							75447
year 2023.							75448
HOUSE REIMBURSEMENT							75449
If it is determined by the Chief Administrative Officer of							75450
the House of Representatives that additional appropriations are							75451
necessary for the foregoing appropriation item 025601, House							75452
Reimbursement, the amounts are hereby appropriated.							75453
Section 301.10. HFA OHIO HOUSING FINANCE AGENCY							75454
Dedicated Purpose Fund Group							75455
5AZ0	997601	Housing Finance Agency	\$	14,855,643	\$	15,136,756	75456

Personal Services

TOTAL DPF Dedicated Purpose Fund Group	\$	14,855,643	\$	15,136,756	75457
TOTAL ALL BUDGET FUND GROUPS	\$	14,855,643	\$	15,136,756	75458

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 75460

General Revenue Fund					75461
GRF 965321 Operating Expenses	\$	1,403,910	\$	1,437,000	75462
TOTAL GRF General Revenue Fund	\$	1,403,910	\$	1,437,000	75463
Internal Service Activity Fund Group					75464
5FA0 965603 Deputy Inspector General for ODOT	\$	400,000	\$	400,000	75465
5FT0 965604 Deputy Inspector General for BWC/OIC	\$	425,000	\$	425,000	75466
TOTAL ISA Internal Service Activity Fund Group	\$	825,000	\$	825,000	75467
TOTAL ALL BUDGET FUND GROUPS	\$	2,228,910	\$	2,262,000	75468

Section 305.10. INS DEPARTMENT OF INSURANCE 75470

Dedicated Purpose Fund Group					75471
5540 820601 Operating Expenses - OSHIIP	\$	180,000	\$	180,000	75472
5540 820606 Operating Expenses	\$	30,861,244	\$	30,861,244	75473
5550 820605 Examination	\$	9,179,766	\$	9,179,766	75474
5PT0 820613 Captive Insurance Regulation and Supervision	\$	450,000	\$	450,000	75475
TOTAL DPF Dedicated Purpose Fund Group	\$	40,671,010	\$	40,671,010	75476
Federal Fund Group					75477
3U50 820602 OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150	75478

TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	75479
TOTAL ALL BUDGET FUND GROUPS	\$	43,464,160	\$	43,464,160	75480

Section 305.20. MARKET CONDUCT EXAMINATION 75482

When conducting a market conduct examination of any insurer 75483
doing business in this state, the Superintendent of Insurance may 75484
assess the costs of the examination against the insurer. The 75485
Superintendent may enter into consent agreements to impose 75486
administrative assessments or fines for conduct discovered that 75487
may be violations of statutes or rules administered by the 75488
Superintendent. All costs, assessments, or fines collected shall 75489
be deposited to the credit of the Department of Insurance 75490
Operating Fund (Fund 5540). 75491

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 75492

The Director of Budget and Management, at the request of the 75493
Superintendent of Insurance, may transfer cash from the Department 75494
of Insurance Operating Fund (Fund 5540), established by section 75495
3901.021 of the Revised Code, to the Superintendent's Examination 75496
Fund (Fund 5550), established by section 3901.071 of the Revised 75497
Code, only for expenses incurred in examining domestic fraternal 75498
benefit societies as required by section 3921.28 of the Revised 75499
Code. 75500

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 75501

General Revenue Fund					75502
GRF 600410 TANF State Maintenance	\$	149,267,326	\$	149,267,326	75503
of Effort					
GRF 600413 Child Care	\$	83,461,739	\$	83,461,739	75504
State/Maintenance of					
Effort					
GRF 600450 Program Operations	\$	185,897,917	\$	187,002,077	75505
GRF 600502 Child Support - Local	\$	26,400,000	\$	26,400,000	75506

GRF 600521	Family Assistance - Local	\$	44,748,768	\$	44,748,768	75507
GRF 600523	Family and Children Services	\$	212,194,327	\$	207,694,327	75508
GRF 600528	Adoption Services	\$	23,922,517	\$	23,922,517	75509
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	75510
GRF 600534	Adult Protective Services	\$	5,720,000	\$	5,720,000	75511
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	75512
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	75513
GRF 600551	Job and Family Services Program Support	\$	150,000	\$	150,000	75514
GRF 600552	Gracehaven Pilot Program	\$	259,685	\$	0	75515
GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	75516
GRF 655425	Medicaid Program Support	\$	12,461,768	\$	12,832,766	75517
GRF 655522	Medicaid Program Support - Local	\$	38,975,628	\$	38,975,628	75518
GRF 655523	Medicaid Program Support - Local Transportation	\$	43,530,000	\$	43,500,000	75519
TOTAL GRF	General Revenue Fund	\$	983,774,916	\$	980,460,389	75520
	Dedicated Purpose Fund Group					75521
1980 600647	Children's Trust Fund	\$	6,000,000	\$	6,000,000	75522
4A80 600658	Public Assistance Activities	\$	20,000,000	\$	20,000,000	75523
4A90 600607	Unemployment	\$	9,250,000	\$	9,250,000	75524

		Compensation					
		Administration Fund					
4E70	600604	Family and Children	\$	650,000	\$	650,000	75525
		Services Collections					
4F10	600609	Family and Children	\$	708,000	\$	708,000	75526
		Activities					
5CV1	600557	Coronavirus Relief -	\$	12,000,000	\$	0	75527
		Foodbanks					
5DM0	600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	75528
		Contingency					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	75529
5KT0	600696	Early Childhood	\$	20,000,000	\$	20,000,000	75530
		Education					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	75531
		Trafficking					
5RX0	600699	Workforce Development	\$	300,000	\$	300,000	75532
		Projects					
5RY0	600698	Human Services	\$	21,000,000	\$	21,000,000	75533
		Project					
5TZ0	600674	Childrens Crisis Care	\$	1,000,000	\$	1,000,000	75534
5U60	600663	Family and Children	\$	6,000,000	\$	6,262,000	75535
		Support					
5VJ0	600600	Ohio Governor	\$	8,000,000	\$	8,000,000	75536
		Imagination Library					
TOTAL	DPF	Dedicated Purpose Fund	\$	106,508,000	\$	94,770,000	75537
		Group					
		Internal Service Activity Fund Group					75538
5HL0	600602	State and County	\$	2,000,000	\$	2,000,000	75539
		Shared Services					
TOTAL	ISA	Internal Service Activity	\$	2,000,000	\$	2,000,000	75540
		Fund Group					
		Fiduciary Fund Group					75541

1920	600646	Child Support	\$	100,000,000	\$	100,000,000	75542
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	75543
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	75544
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	75545
		Holding Account Fund Group					75546
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	75547
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	75548
		Group					
		Federal Fund Group					75549
3270	600606	Child Welfare	\$	61,188,090	\$	42,487,257	75550
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	75551
3310	600624	Employment Services	\$	30,093,153	\$	28,792,564	75552
3310	600686	Workforce Programs	\$	4,000,000	\$	4,000,000	75553
3840	600610	Food Assistance	\$	210,395,858	\$	215,299,061	75554
		Programs					
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	75555
3950	600616	Federal Discretionary	\$	5,000,000	\$	5,000,000	75556
		Grants					
3960	600620	Social Services Block	\$	42,000,000	\$	42,003,000	75557
		Grant					
3970	600626	Child Support -	\$	200,506,379	\$	200,712,239	75558
		Federal					
3980	600627	Adoption Program -	\$	178,734,641	\$	178,965,021	75559
		Federal					
3D30	600648	Children's Trust Fund	\$	2,000,000	\$	2,000,000	75560
		Federal					
3F01	655624	Medicaid Program	\$	215,301,139	\$	215,441,374	75561
		Support - Federal					

3H70	600617	Child Care Federal	\$	480,500,000	\$	456,500,000	75562
3N00	600628	Foster Care Program - Federal	\$	307,654,740	\$	308,344,774	75563
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	75564
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	169,756,357	\$	165,743,862	75565
3V40	600632	Trade Programs	\$	31,004,791	\$	26,455,418	75566
3V40	600678	Federal Unemployment Programs	\$	160,536,498	\$	156,864,218	75567
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	6,183,602	\$	6,281,852	75568
3V60	600689	TANF Block Grant	\$	961,819,158	\$	1,025,474,447	75569
TOTAL FED		Federal Fund Group	\$	3,086,208,456	\$	3,099,899,137	75570
TOTAL ALL BUDGET FUND GROUPS			\$	4,295,991,372	\$	4,294,629,526	75571

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 75573

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 75574
75575
75576
75577

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 75578
75579
75580
75581

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 75582
75583
75584
75585
75586

(1) Appropriation item 600521, Family Assistance - Local, and 75587

appropriation item 655522, Medicaid Program Support - Local; and 75588

(2) Appropriation item 655523, Medicaid Program Support - 75589
Local Transportation, and appropriation item 655522, Medicaid 75590
Program Support - Local. 75591

(D) If receipts credited to the Medicaid Program Support Fund 75592
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 75593
(Fund 3840) exceed the amounts appropriated, the Director of Job 75594
and Family Services shall request the Director of Budget and 75595
Management to authorize expenditures from those funds in excess of 75596
the amounts appropriated. Upon approval of the Director of Budget 75597
and Management, the additional amounts are hereby appropriated. 75598

Section 307.30. NAME OF FOOD STAMP PROGRAM 75599

The Director of Job and Family Services is not required to 75600
amend rules regarding the Food Stamp Program to change the name of 75601
the program to the Supplemental Nutrition Assistance Program. The 75602
Director may refer to the program as the Food Stamp Program, the 75603
Supplemental Nutrition Assistance Program, or the Food Assistance 75604
Program in rules and documents of the Department of Job and Family 75605
Services. 75606

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 75607

Of the foregoing appropriation items 600410, TANF State 75608
Maintenance of Effort, 600658, Public Assistance Activities, and 75609
600689, TANF Block Grant, a total of up to \$22,050,000 in each 75610
fiscal year shall be used to provide funds to the Ohio Association 75611
of Food Banks to purchase and distribute food products, support 75612
Innovative Summer Meals programs for children, provide SNAP 75613
outreach and free tax filing services, and provide capacity 75614
building equipment for food pantries and soup kitchens. 75615

Notwithstanding section 5101.46 of the Revised Code and any 75616
other provision in this bill, the Director of Job and Family 75617

Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 307.50. FOOD STAMPS TRANSFER

On July 1, 2021, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.70. TANF STATE MAINTENANCE OF EFFORT

Of the foregoing appropriation item 600410, TANF State

Maintenance of Effort, \$5,000,000 in each fiscal year shall be 75647
provided, in accordance with sections 5101.80 and 5101.801 of the 75648
Revised Code, to the Ohio Alliance of Boys and Girls Clubs to 75649
provide after-school and summer programs that protect at-risk 75650
children and enable youth to become responsible adults. Not less 75651
than \$150,000 in each fiscal year shall be provided to the Boys 75652
and Girls Club of Massillon. 75653

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 75654
GRANT 75655

Of the foregoing appropriation item 600689, TANF Block Grant, 75656
up to \$13,285,000 in each fiscal year shall be used, in accordance 75657
with sections 5101.80 and 5101.801 of the Revised Code, to provide 75658
support to programs or organizations that provide services that 75659
align with the mission and goals of the Governor's Office of 75660
Faith-Based and Community Initiatives, as outlined in section 75661
107.12 of the Revised Code, and that further at least one of the 75662
four purposes of the TANF program, as specified in 42 U.S.C. 601. 75663

Of the foregoing appropriation item 600689, TANF Block Grant, 75664
up to \$2,000,000 in each fiscal year shall be used, in accordance 75665
with sections 5101.80 and 5101.801 of the Revised Code, to support 75666
the Independent Living Initiative, including life skills training 75667
and work supports for older children in foster care and those who 75668
have recently aged out of foster care who meet TANF eligibility 75669
requirements. 75670

Of the foregoing appropriation item 600689, TANF Block Grant, 75671
\$3,000,000 in each fiscal year shall be used, in accordance with 75672
sections 5101.80 and 5101.801 of the Revised Code, to support the 75673
Ohio Parenting and Pregnancy Program. 75674

Of the foregoing appropriation item 600689, TANF Block Grant, 75675
up to \$2,500,000 in each fiscal year shall be provided, in 75676
accordance with sections 5101.80 and 5101.801 of the Revised Code, 75677

to the Ohio Commission on Fatherhood. 75678

Of the foregoing appropriation item 600689, TANF Block Grant, 75679
\$2,300,000 in each fiscal year shall be provided, in accordance 75680
with sections 5101.80 and 5101.801 of the Revised Code, to Open 75681
Doors Academy to support out-of-school programs in northeast Ohio, 75682
Lima, and to support up to four additional locations in the state. 75683

Of the foregoing appropriation item 600689, TANF Block Grant, 75684
up to \$1,000,000 in each fiscal year shall be provided, in 75685
accordance with sections 5101.80 and 5101.801 of the Revised Code, 75686
to the Ohio Children's Trust Fund. 75687

Of the foregoing appropriation item 600689, TANF Block Grant, 75688
\$1,175,000 in each fiscal year shall be provided, in accordance 75689
with sections 5101.80 and 5101.801 of the Revised Code, to the 75690
Children's Hunger Alliance to assist with meal sponsorship, early 75691
child care programs, child care, consultations and nutrition 75692
education, school district nutrition programs, after school 75693
nutrition programs, and summer nutrition programs. 75694

Of the foregoing appropriation item 600689, TANF Block Grant, 75695
\$1,000,000 in each fiscal year shall be provided, in accordance 75696
with sections 5101.80 and 5101.801 of the Revised Code, to the 75697
Waterford Institute to implement a pilot program for 75698
pre-kindergarten children. 75699

Of the foregoing appropriation item 600689, TANF Block Grant, 75700
\$1,000,000 in each fiscal year shall be provided, in accordance 75701
with sections 5101.80 and 5101.801 of the Revised Code, to Big 75702
Brothers Big Sisters of Central Ohio to provide mentoring services 75703
to children throughout the state who have experienced trauma in 75704
their lives, including parental incarceration. 75705

Of the foregoing appropriation item 600689, TANF Block Grant, 75706
\$750,000 in each fiscal year shall be provided, in accordance with 75707
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 75708

Council of YWCAs to support programs that prevent domestic 75709
violence, support victims of domestic violence, provide 75710
trauma-informed support for survivors, and support educational 75711
opportunities for at-risk youth. 75712

Of the foregoing appropriation item 600689, TANF Block Grant, 75713
\$500,000 in each fiscal year shall be used, in accordance with 75714
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 75715
YMCA day camps and before and after school programs to help 75716
students with learning loss and mental health due to the COVID-19 75717
pandemic. 75718

Of the foregoing appropriation item 600689, TANF Block Grant, 75719
\$500,000 in each fiscal year shall be provided, in accordance with 75720
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 75721
Inc. to support programs that provide early learning and 75722
behavioral health services for at-risk youth in addition to 75723
workforce development, life skills training, parent education, and 75724
couples therapy to improve healthy family formation, maintenance, 75725
and stability for young adult parents and financially 75726
disadvantaged couples. Not later than January 1, 2023, Child 75727
Focus, Inc. shall provide a report to the Director of Job and 75728
Family Services regarding the number of additional children served 75729
with this funding and the outcomes and efficacy of these programs. 75730

Of the foregoing appropriation item 600689, TANF Block Grant, 75731
\$250,000 in each fiscal year shall be provided, in accordance with 75732
sections 5101.80 and 5101.801 of the Revised Code, to the Sisters 75733
of Charity Foundation of Cleveland to support the A Place 4 Me 75734
youth homeless drop-in center. 75735

Of the foregoing appropriation item 600689, TANF Block Grant, 75736
\$250,000 in each fiscal year shall be provided, in accordance with 75737
sections 5101.80 and 5101.801 of the Revised Code, to Communities 75738
In Schools of Ohio to provide supports for at-risk youth for 75739
wraparound services, which directly impact chronic absenteeism and 75740

dropout rates. 75741

Of the foregoing appropriation item 600689, TANF Block Grant, 75742
\$250,000 in each fiscal year shall be provided, in accordance with 75743
sections 5101.80 and 5101.801 of the Revised Code, to Produce 75744
Perks Midwest. 75745

Of the foregoing appropriation item 600689, TANF Block Grant, 75746
\$200,000 in each fiscal year shall be provided, in accordance with 75747
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 75748
Works! Ohio in Dayton. 75749

Of the foregoing appropriation item 600689, TANF Block Grant, 75750
\$200,000 in each fiscal year shall be provided, in accordance with 75751
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 75752
Greater Cleveland's Early Learning Center to support the trauma 75753
informed preschool for homeless, low income, and at-risk preschool 75754
children. 75755

Of the foregoing appropriation item 600689, TANF Block Grant, 75756
\$150,000 in each fiscal year shall be provided, in accordance with 75757
sections 5101.80 and 5101.801 of the Revised Code, to University 75758
Circle Inc. in Cleveland to support the Circle Scholars and Circle 75759
Explorers program. 75760

Of the foregoing appropriation item 600689, TANF Block Grant, 75761
\$141,200 in each fiscal year shall be used, in accordance with 75762
sections 5101.80 and 5101.801 of the Revised Code, to support the 75763
Somali Community Link's housing assistance program. 75764

Of the foregoing appropriation item 600689, TANF Block Grant, 75765
\$110,000 in each fiscal year shall be provided, in accordance with 75766
sections 5101.80 and 5101.801 of the Revised Code, to support 75767
University Settlement family assistance programs in the 75768
Broadway-Slavic Village neighborhood of Cleveland. 75769

Section 307.81. KINSHIP CAREGIVER PROGRAM 75770

Of the foregoing appropriation item 600689, TANF Block Grant, 75771
\$10,000,000 in each fiscal year shall be used, in accordance with 75772
sections 5101.80 and 5101.801 of the Revised Code, to support 75773
kinship care. The Director of Job and Family Services shall 75774
allocate funds to county departments of job and family services by 75775
providing twelve per cent divided equally among all counties, 75776
forty-eight per cent in the ratio that the number of residents of 75777
the county under the age of eighteen bears to the total number of 75778
such persons residing in this state, and forty per cent in the 75779
ratio that the number of residents of the county with incomes 75780
under one hundred per cent of the federal poverty guideline bears 75781
to the total number of such persons in this state. Each public 75782
children services agency shall use these funds to provide 75783
reasonable and necessary relief of child caring functions so that 75784
kinship caregivers, as defined in section 5101.85 of the Revised 75785
Code, can provide and maintain a home for a child in place of a 75786
child's parents. When the public children services agency is 75787
designated under division (A) of section 5153.02 of the Revised 75788
Code, the county department of job and family services shall enter 75789
into a memorandum of understanding with the public children 75790
services agency authorizing the expenditure of funds for this 75791
purpose up to the amount of the allocation. 75792

Each county department of job and family services shall 75793
incorporate the kinship caregiver support program into its 75794
prevention, retention, and contingency plan. The program shall 75795
include a family stabilization service and a caregiving service. 75796
For the purpose of the stabilization service, each child living 75797
with a kinship caregiver shall constitute a prevention, retention, 75798
and contingency assistance group of one. Stabilization services 75799
shall be designed to transition the child into and maintain the 75800
child in the home of the kinship caregiver. For the purpose of the 75801
caregiving service, each assistance group shall include at least a 75802
child living with a kinship caregiver and the kinship caregiver. 75803

The Department of Job and Family Services may adopt rules in 75804
accordance with Chapter 119. of the Revised Code as necessary to 75805
carry out the purposes of this section. 75806

If funding is no longer available, the kinship caregiver 75807
support program in this section shall end and any county 75808
department of job and family services or public children services 75809
agency shall not be held responsible for payment of services. 75810

Section 307.90. FAMILY AND CHILDREN SERVICES 75811

Of the foregoing appropriation item 600523, Family and 75812
Children Services, up to \$3,200,000 in each fiscal year shall be 75813
used to match eligible federal Title IV-B ESSA funds and federal 75814
Title IV-E Chafee funds allocated to public children services 75815
agencies. 75816

Of the foregoing appropriation item 600523, Family and 75817
Children Services, up to \$25,000,000 in each fiscal year shall be 75818
provided to assist with the expense of providing services to youth 75819
requiring support from multiple systems. These funds may be used 75820
for youth currently in the custody of a public children services 75821
agency or to prevent children from entering into the custody of a 75822
public children services agency by custody relinquishment or 75823
another mechanism. The Director of Job and Family Services shall 75824
adopt rules in accordance with section 111.15 of the Revised Code 75825
to administer the funding. 75826

Of the foregoing appropriation item 600523, Family and 75827
Children Services, up to \$5,000,000 in each fiscal year may be 75828
used for staffing for foster parent recruitment, engagement, and 75829
support; and up to \$5,000,000 in each fiscal year may be used to 75830
strengthen best practices. The Director of Job and Family Services 75831
shall adopt rules in accordance with section 111.15 of the Revised 75832
Code to administer the funding. 75833

Of the foregoing appropriation item, 600523, Family and Children Services, up to \$110,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2022 and fiscal year 2023 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Section 307.100. KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 600523, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

Section 307.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or

600533, Child, Family, and Community Protection Services, may 75864
transfer a portion of either or both allocations to a flexible 75865
funding pool as authorized by the section of this act titled 75866
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 75867

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 75868
SERVICES 75869

(A) The foregoing appropriation item 600533, Child, Family, 75870
and Community Protection Services, shall be distributed to county 75871
departments of job and family services. County departments shall 75872
use the funds distributed to them under this section as follows, 75873
in accordance with the written plan of cooperation entered into 75874
under section 307.983 of the Revised Code: 75875

(1) To assist individuals in achieving or maintaining 75876
self-sufficiency, including by reducing or preventing dependency 75877
among individuals with family income not exceeding two hundred per 75878
cent of the federal poverty guidelines; 75879

(2) Subject to division (B) of this section, to respond to 75880
reports of abuse, neglect, or exploitation of children and adults, 75881
including through the differential response approach program; 75882

(3) To provide outreach and referral services regarding home 75883
and community-based services to individuals at risk of placement 75884
in a group home or institution, regardless of the individuals' 75885
family income and without need for a written application; 75886

(4) To provide outreach, referral, application assistance, 75887
and other services to assist individuals to receive assistance, 75888
benefits, or services under Medicaid; Title IV-A programs, as 75889
defined in section 5101.80 of the Revised Code; the Supplemental 75890
Nutrition Assistance Program; and other public assistance 75891
programs. 75892

(B) Protective services may be provided to a child or adult 75893

as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

Section 307.130. ADULT PROTECTIVE SERVICES 75900

The foregoing appropriation item 600534, Adult Protective Services, shall be divided equally among the counties.

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 75903

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

Section 307.145. JOB AND FAMILY SERVICES PROGRAM SUPPORT 75907

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$150,000 in each fiscal year shall be provided to Men's Challenge in Stark County.

Section 307.146. GRACEHAVEN PILOT PROGRAM 75911

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to support the creation and operation of Gracehaven locations to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

Section 307.150. COURT APPOINTED SPECIAL ADVOCATES 75917

Of the foregoing appropriation item 600553, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing

court-appointed special advocate programs. 75921

Of the foregoing appropriation item 600553, Court Appointed 75922
Special Advocates, up to \$666,667 in each fiscal year shall be 75923
used to establish court-appointed special advocate programs in 75924
areas of the state that are not served by an existing program and 75925
to support existing programs. 75926

Of the foregoing appropriation item 600616, Federal 75927
Discretionary Grants, up to \$800,000 in each fiscal year shall be 75928
used for the training of guardians ad litem and court-appointed 75929
special advocates as well as to conduct a study to demonstrate the 75930
impact of court-appointed special advocate volunteers on outcomes 75931
for children who are in child welfare custody as a result of 75932
abuse, neglect, or dependency. 75933

Section 307.160. WENDY'S WONDERFUL KIDS 75934

Of the foregoing appropriation items 600450, Program 75935
Operations, 600627, Adoption Program - Federal, 600606, Child 75936
Welfare, a total of up to \$12,000,000 in each fiscal year may be 75937
used to provide funds to the Dave Thomas Foundation for Adoption 75938
to implement statewide the Wendy's Wonderful Kids program of 75939
professional recruiters who use a child-focused model to find 75940
permanent homes for children in Ohio foster care. 75941

Section 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 75942

Notwithstanding section 5101.073 of the Revised Code, the 75943
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 75944
consist of earned federal revenue the final disposition of which 75945
is unknown. 75946

On July 1 of each fiscal year, or as soon as possible 75947
thereafter, and upon request of the Director of Job and Family 75948
Services, the Director of Budget and Management may transfer up to 75949
\$21,000,000 cash from the ODJFS Audit Settlements and Contingency 75950

Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 75951

Section 307.180. ADOPTION ASSISTANCE LOAN 75952

The Department of Job and Family Services may use the State 75953
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 75954
of adoption assistance loans pursuant to section 3107.018 of the 75955
Revised Code. The amounts of any adoption assistance loans are 75956
hereby appropriated. 75957

Section 307.190. EARLY CHILDHOOD EDUCATION 75958

Of the foregoing appropriation item 600696, Early Childhood 75959
Education, up to \$20,000,000 in each fiscal year shall be used to 75960
achieve the goals described in division (C) of section 5104.29 of 75961
the Revised Code. The funds shall be used to support early 75962
learning and development programs operating in smaller 75963
communities, early learning and development programs that are 75964
rated in the Step Up to Quality program at the third highest tier 75965
or higher, or both. 75966

Section 307.200. VICTIMS OF HUMAN TRAFFICKING 75967

The foregoing appropriation item 600660, Victims of Human 75968
Trafficking, shall be used to provide treatment, care, 75969
rehabilitation, education, housing, and assistance for victims of 75970
trafficking in persons as specified in section 5101.87 of the 75971
Revised Code. 75972

If receipts credited to the Victims of Human Trafficking Fund 75973
(Fund 5NG0) exceed the amounts appropriated to the fund, the 75974
Director of Job and Family Services may request the Director of 75975
Budget and Management to authorize expenditures from the fund in 75976
excess of the amounts appropriated. Upon the approval of the 75977
Director of Budget and Management, the additional amounts are 75978
hereby appropriated. 75979

Section 307.210. CHILDRENS CRISIS CARE 75980

The foregoing appropriation item 600674, Childrens Crisis 75981
Care, shall be allocated by the Department of Job and Family 75982
Services in each fiscal year to children's crisis care facilities 75983
as defined in section 5103.13 of the Revised Code. The Director of 75984
Job and Family Services shall allocate funds in each fiscal year 75985
based on the total length of stay or days of care for each child 75986
residing in the facility, which is determined by calculating the 75987
total days each child resides at the crisis care facility, 75988
including the date of admission, but not the day of discharge. A 75989
children's crisis care facility may decline to receive funds 75990
provided under this section. A children's crisis care facility 75991
that accepts funds provided under this section shall use the funds 75992
in accordance with section 5103.13 of the Revised Code and the 75993
rules as defined in rule 5101:2-9-36 of the Administrative Code. 75994

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 75995

The Fiduciary Fund Group and Holding Account Fund Group shall 75996
be used to hold revenues until the appropriate fund is determined 75997
or until the revenues are directed to the appropriate governmental 75998
agency other than the Department of Job and Family Services. Any 75999
Department of Job and Family Services refunds or reconciliations 76000
received or held by the Department of Medicaid shall be 76001
transferred or credited to the Refunds and Audit Settlement Fund 76002
(Fund R012). If receipts credited to the Support Intercept - 76003
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 76004
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 76005
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 76006
from the fund, the Director of Job and Family Services may request 76007
the Director of Budget and Management to authorize expenditures 76008
from the fund in excess of the amounts appropriated. Upon the 76009
approval of the Director of Budget and Management, the additional 76010

amounts are hereby appropriated. 76011

Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS 76012

A portion of the foregoing appropriation item 600678, Federal 76013
Unemployment Programs, shall be provided in accordance with 76014
sections 4141.162 and 4141.35 of the Revised Code to administer 76015
fraud identification and prevention efforts in the unemployment 76016
program. 76017

Section 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT 76018

To improve customer service and program integrity within the 76019
Unemployment Insurance Program, the Department of Job and Family 76020
Services shall integrate specific system enhancements to 76021
streamline claims processing, enhance adjudication methodology 76022
where appropriate, and secure and implement a new cloud-based tax 76023
and benefits system to replace outdated technology. 76024

Section 307.250. (A) Not later than thirty days after the 76025
effective date of this section, the Speaker of the House of 76026
Representatives and the Senate President shall direct a 76027
subcommittee or standing committee from each chamber of the 134th 76028
General Assembly to evaluate all of the following regarding both 76029
publicly funded child care, as described in section 5104.30 of the 76030
Revised Code, and the Step Up to Quality Program, as created by 76031
section 5104.29 of the Revised Code: 76032

(1) The number of children and families receiving publicly 76033
funded child care; 76034

(2) The number of early learning and development programs, as 76035
defined in section 5104.29 of the Revised Code, participating in 76036
the Step Up to Quality Program administered by the Ohio Department 76037
of Job and Family Services and providing publicly funded child 76038
care; 76039

(3) Funding sources for both publicly funded child care and the Step Up to Quality Program;	76040 76041
(4) The long-term sustainability of those funding sources;	76042
(5) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;	76043 76044
(6) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;	76045 76046
(7) The impact and feasibility of the requirement described in division (G)(1) of section 5104.29 of the Revised Code, mandating that one hundred per cent of early learning and development programs providing publicly funded child care be rated in Step Up to Quality's third tier or higher by June 30, 2025.	76047 76048 76049 76050 76051
(B) The subcommittees or standing committees described in division (A) of this section shall be those primarily responsible for considering matters related to child care and family services.	76052 76053 76054
(C)(1) To evaluate the issues described in division (A) of this section, each committee described in division (B) of this section shall hold hearings to receive the testimony from the public and relevant state agencies and boards.	76055 76056 76057 76058
(2) The committee's chairperson may request the Director of the Ohio Department of Job and Family Services or any employee appointed by the Director to appear before the committee and testify to relevant matters.	76059 76060 76061 76062
(3) Each committee directed to hold hearings may issue a report of its findings and recommendations.	76063 76064
(4) The staff of the Legislative Service Commission shall provide services to each committee performing its duties under this section.	76065 76066 76067
(D) This section expires on the adjournment of the 134th General Assembly.	76068 76069

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	76070
General Revenue Fund	76071
GRF 029321 Operating Expenses \$ 570,000 \$ 570,000	76072
TOTAL GRF General Revenue Fund \$ 570,000 \$ 570,000	76073
TOTAL ALL BUDGET FUND GROUPS \$ 570,000 \$ 570,000	76074
OPERATING GUIDANCE	76075
The Legislative Service Commission shall act as fiscal agent	76076
for the Joint Committee on Agency Rule Review. Members of the	76077
Committee shall be paid in accordance with section 101.35 of the	76078
Revised Code.	76079
OPERATING EXPENSES	76080
On July 1, 2021, or as soon as possible thereafter, the	76081
Executive Director of the Joint Committee on Agency Rule Review	76082
may certify to the Director of Budget and Management an amount up	76083
to the unexpended, unencumbered balance of the foregoing	76084
appropriation item 029321, Operating Expenses, at the end of	76085
fiscal year 2021 to be reappropriated to fiscal year 2022. The	76086
amount certified is hereby reappropriated to the same	76087
appropriation item for fiscal year 2022.	76088
On July 1, 2022, or as soon as possible thereafter, the	76089
Executive Director of the Joint Committee on Agency Rule Review	76090
may certify to the Director of Budget and Management an amount up	76091
to the unexpended, unencumbered balance of the foregoing	76092
appropriation item 029321, Operating Expenses, at the end of	76093
fiscal year 2022 to be reappropriated to fiscal year 2023. The	76094
amount certified is hereby reappropriated to the same	76095
appropriation item for fiscal year 2023.	76096
Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE	76097
General Revenue Fund	76098

GRF 048321	Operating Expenses	\$	371,848	\$	575,083	76099
TOTAL GRF	General Revenue Fund	\$	371,848	\$	575,083	76100
TOTAL ALL BUDGET FUND GROUPS		\$	371,848	\$	575,083	76101

OPERATING EXPENSES 76102

The foregoing appropriation item 048321, Operating Expenses, 76103
shall be used to support expenses related to the Joint Medicaid 76104
Oversight Committee created by section 103.41 of the Revised Code. 76105

On July 1, 2021, or as soon as possible thereafter, the 76106
Executive Director of the Joint Medicaid Oversight Committee may 76107
certify to the Director of Budget and Management an amount up to 76108
the unexpended, unencumbered balance of the foregoing 76109
appropriation item 048321, Operating Expenses, at the end of 76110
fiscal year 2021 to be reappropriated to fiscal year 2022. The 76111
amount certified is hereby reappropriated to the same 76112
appropriation item for fiscal year 2022. 76113

On July 1, 2022, or as soon as possible thereafter, the 76114
Executive Director of the Joint Medicaid Oversight Committee may 76115
certify to the Director of Budget and Management an amount up to 76116
the unexpended, unencumbered balance of the foregoing 76117
appropriation item 048321, Operating Expenses, at the end of 76118
fiscal year 2022 to be reappropriated to fiscal year 2023. The 76119
amount certified is hereby reappropriated to the same 76120
appropriation item for fiscal year 2023. 76121

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 76122

General Revenue Fund 76123

GRF 018321	Operating Expenses	\$	1,046,464	\$	1,083,265	76124
TOTAL GRF	General Revenue Fund	\$	1,046,464	\$	1,083,265	76125

Dedicated Purpose Fund Group 76126

4030 018601	Ohio Jury	\$	531,471	\$	540,421	76127
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Instructions

TOTAL DPF Dedicated Purpose Fund	\$	531,471	\$	540,421	76128
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,577,935	\$	1,623,686	76129
STATE COUNCIL OF UNIFORM STATE LAWS					76130
Notwithstanding section 105.26 of the Revised Code, of the					76131
foregoing appropriation item 018321, Operating Expenses, up to					76132
\$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023					76133
shall be used to pay the expenses of the State Council of Uniform					76134
State Laws, including membership dues to the National Conference					76135
of Commissioners on Uniform State Laws.					76136
OHIO JURY INSTRUCTIONS FUND					76137
The Ohio Jury Instructions Fund (Fund 4030) shall consist of					76138
grants, royalties, dues, conference fees, bequests, devises, and					76139
other gifts received for the purpose of supporting costs incurred					76140
by the Judicial Conference of Ohio in its activities as a part of					76141
the judicial system of the state as determined by the Judicial					76142
Conference Executive Committee. Fund 4030 shall be used by the					76143
Judicial Conference of Ohio to pay expenses incurred in its					76144
activities as a part of the judicial system of the state as					76145
determined by the Judicial Conference Executive Committee. All					76146
moneys accruing to Fund 4030 in excess of the amount appropriated					76147
for the current fiscal year are hereby appropriated for the					76148
purposes authorized. No money in Fund 4030 shall be transferred to					76149
any other fund by the Director of Budget and Management or the					76150
Controlling Board.					76151
Section 317.10. JSC THE JUDICIARY/SUPREME COURT					76152
General Revenue Fund					76153
GRF 005321	Operating Expenses -	\$	185,879,257	\$	190,389,942
	Judiciary/Supreme				76154
	Court				

GRF	005401	State Criminal	\$	1,346,891	\$	1,438,123	76155
		Sentencing Commission					
GRF	005406	Law-Related Education	\$	200,000	\$	200,000	76156
GRF	005409	Ohio Courts	\$	3,829,540	\$	3,843,940	76157
		Technology Initiative					
TOTAL GRF	General Revenue Fund		\$	191,255,688	\$	195,872,005	76158
Dedicated Purpose Fund Group							76159
4C80	005605	Attorney Services	\$	11,015,310	\$	10,979,027	76160
5HT0	005617	Court Interpreter	\$	7,000	\$	7,000	76161
		Certification					
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000	76162
		Program					
5T80	005609	Grants and Awards	\$	5,000	\$	5,000	76163
6720	005601	Judiciary/Supreme	\$	105,000	\$	105,000	76164
		Court Education					
TOTAL DPF	Dedicated Purpose Fund		\$	11,482,310	\$	11,446,027	76165
Group							
Fiduciary Fund Group							76166
5JY0	005620	County Law Library	\$	308,000	\$	323,500	76167
		Resources Boards					
TOTAL FID	Fiduciary Fund Group		\$	308,000	\$	323,500	76168
Federal Fund Group							76169
3J00	005603	Federal Grants	\$	1,155,203	\$	1,026,530	76170
TOTAL FED	Federal Fund Group		\$	1,155,203	\$	1,026,530	76171
TOTAL ALL BUDGET FUND GROUPS			\$	204,201,201	\$	208,668,062	76172

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 76174

The foregoing appropriation item 005401, State Criminal 76175
 Sentencing Commission, shall be used for the operation of the 76176
 State Criminal Sentencing Commission established by section 181.21 76177
 of the Revised Code. 76178

LAW-RELATED EDUCATION 76179

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office

of Bar Admissions. If it is determined by the Administrative 76212
Director of the Supreme Court that changes to the appropriation 76213
are necessary, the amounts are hereby appropriated. 76214

No money in Fund 4C80 shall be transferred to any other fund 76215
by the Director of Budget and Management or the Controlling Board. 76216
Interest earned on money in Fund 4C80 shall be credited to the 76217
fund. 76218

COURT INTERPRETER CERTIFICATION 76219

The Court Interpreter Certification Fund (Fund 5HT0) shall 76220
consist of money received by the Supreme Court (The Judiciary) 76221
pursuant to Rules 80 through 87 of the Rules of Superintendence 76222
for the Courts of Ohio. The foregoing appropriation item 005617, 76223
Court Interpreter Certification, shall be used to provide 76224
training, to provide the written examination, and to pay language 76225
experts to rate, or grade, the oral examinations of those applying 76226
to become certified court interpreters. If it is determined by the 76227
Administrative Director of the Supreme Court that changes to the 76228
appropriation are necessary, the amounts are hereby appropriated. 76229

No money in Fund 5HT0 shall be transferred to any other fund 76230
by the Director of Budget and Management or the Controlling Board. 76231
Interest earned on money in Fund 5HT0 shall be credited to the 76232
fund. 76233

CIVIL JUSTICE GRANT PROGRAM 76234

The Civil Justice Program Fund (Fund 5SP0) shall consist of 76235
(1) \$50 voluntary donations made as part of the biennium attorney 76236
registration process and (2) \$150 increase in the pro hac vice 76237
fees for out-of-state attorneys pursuant to Government of the Bar 76238
Rule amendments. The foregoing appropriation item 005626, Civil 76239
Justice Grant Program, shall be used by the Supreme Court of Ohio 76240
for grants to not-for-profit organizations and agencies dedicated 76241
to providing civil legal aid to underserved populations, to fund 76242

innovative programs directed at this purpose, and to increase 76243
access to judicial service to that population. If it is determined 76244
by the Administrative Director of the Supreme Court that changes 76245
to the appropriation are necessary, the amounts are hereby 76246
appropriated. 76247

No money in Fund 5SP0 shall be transferred to any other fund 76248
by the Director of Budget and Management or the Controlling Board. 76249
Interest earned on money in Fund 5SP0 shall be credited to the 76250
fund. 76251

GRANTS AND AWARDS 76252

The Grants and Awards Fund (Fund 5T80) shall consist of 76253
grants and other money awarded to the Supreme Court (The 76254
Judiciary) by the State Justice Institute, the Division of 76255
Criminal Justice Services, or other entities. The foregoing 76256
appropriation item 005609, Grants and Awards, shall be used in a 76257
manner consistent with the purpose of the grant or award. If it is 76258
determined by the Administrative Director of the Supreme Court 76259
that changes to the appropriation are necessary, the amounts are 76260
hereby appropriated. 76261

No money in Fund 5T80 shall be transferred to any other fund 76262
by the Director of Budget and Management or the Controlling Board. 76263
Interest earned on money in Fund 5T80 shall be credited or 76264
transferred to the General Revenue Fund. 76265

JUDICIARY/SUPREME COURT EDUCATION 76266

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 76267
consist of fees paid for attending judicial and public education 76268
on the law, reimbursement of costs for judicial and public 76269
education on the law, and other gifts and grants received for the 76270
purpose of judicial and public education on the law. The foregoing 76271
appropriation item 005601, Judiciary/Supreme Court Education, 76272
shall be used to pay expenses for judicial education courses for 76273

judges, court personnel, and those who serve the courts, and for 76274
public education on the law. If it is determined by the 76275
Administrative Director of the Supreme Court that changes to the 76276
appropriation are necessary, the amounts are hereby appropriated. 76277

No money in Fund 6720 shall be transferred to any other fund 76278
by the Director of Budget and Management or the Controlling Board. 76279
Interest earned on money in Fund 6720 shall be credited to the 76280
fund. 76281

COUNTY LAW LIBRARY RESOURCES BOARDS 76282

The Statewide Consortium of County Law Library Resources 76283
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 76284
to section 307.515 of the Revised Code into a county's law library 76285
resources fund and forwarded by that county's treasurer for 76286
deposit in the state treasury pursuant to division (E)(1) of 76287
section 3375.481 of the Revised Code. The foregoing appropriation 76288
item 005620, County Law Library Resources Boards, shall be used 76289
for the operation of the Statewide Consortium of County Law 76290
Library Resources Boards. If it is determined by the 76291
Administrative Director of the Supreme Court that changes to the 76292
appropriation are necessary, the amounts are hereby appropriated. 76293

No money in Fund 5JY0 shall be transferred to any other fund 76294
by the Director of Budget and Management or the Controlling Board. 76295
Interest earned on money in Fund 5JY0 shall be credited to the 76296
fund. 76297

FEDERAL GRANTS 76298

The Federal Grants Fund (Fund 3J00) shall consist of grants 76299
and other moneys awarded to the Supreme Court (The Judiciary) by 76300
the United States Government or other entities that receive the 76301
moneys directly from the United States Government and distribute 76302
those moneys to the Supreme Court (The Judiciary). The foregoing 76303
appropriation item 005603, Federal Grants, shall be used in a 76304

manner consistent with the purpose of the grant or award. If it is 76305
determined by the Administrative Director of the Supreme Court 76306
that changes to the appropriation are necessary, the amounts are 76307
hereby appropriated. 76308

No money in Fund 3J00 shall be transferred to any other fund 76309
by the Director of Budget and Management or the Controlling Board. 76310
However, interest earned on money in Fund 3J00 shall be credited 76311
or transferred to the General Revenue Fund. 76312

Section 319.10. LEC LAKE ERIE COMMISSION 76313

Dedicated Purpose Fund Group 76314

4C00	780601	Lake Erie Protection	\$	699,000	\$	699,000	76315
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6H20	780604	H2Ohio	\$	125,000	\$	125,000	76316
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TOTAL DPF	Dedicated Purpose Fund	\$	824,000	\$	824,000	76317
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Group

Federal Fund Group 76318

3EP0	780603	LEC Federal Grants	\$	50,000	\$	50,000	76319
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TOTAL FED	Federal Fund Group	\$	50,000	\$	50,000	76320
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TOTAL ALL BUDGET FUND GROUPS	\$	874,000	\$	874,000	76321
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CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 76322

On July 1 of each fiscal year, or as soon as possible 76323
thereafter, and upon approval by the Controlling Board, the 76324
Director of Budget and Management may transfer cash from the funds 76325
specified below, up to the amounts specified below, to the Lake 76326
Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 76327
contributions and transfers made to the fund. 76328

Fund	Fund Name	User	FY 2022	FY 2023	76329
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5BC0	Environmental	Environmental	\$25,000	\$25,000	76330
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	Protection	Protection Agency			
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6690	Pesticide,	Department of	\$25,000	\$25,000	76331
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	Fertilizer and Lime	Agriculture			
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4700	General Operations	Department of Health	\$25,000	\$25,000	76332
1570	Program Support	Department of Natural Resources	\$25,000	\$25,000	76333

On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of the Lake Erie Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 780604, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount

certified is hereby reappropriated to the same appropriation item 76361
for fiscal year 2023. 76362

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 76363

General Revenue Fund 76364

GRF 028321 Legislative Ethics \$ 625,000 \$ 625,000 76365
Committee

TOTAL GRF General Revenue Fund \$ 625,000 \$ 625,000 76366

Dedicated Purpose Fund Group 76367

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 76368
Ethics Committee

5HN0 028602 Investigations and \$ 10,000 \$ 10,000 76369
Financial Disclosure

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 76370

Group

TOTAL ALL BUDGET FUND GROUPS \$ 785,000 \$ 785,000 76371

LEGISLATIVE ETHICS COMMITTEE 76372

On July 1, 2021, or as soon as possible thereafter, the 76373
Legislative Inspector General of the Joint Legislative Ethics 76374
Committee may certify to the Director of Budget and Management an 76375
amount up to the unexpended, unencumbered balance of the foregoing 76376
appropriation item 028321, Legislative Ethics Committee, at the 76377
end of fiscal year 2021 to be reappropriated to fiscal year 2022. 76378
The amount certified is hereby reappropriated to the same 76379
appropriation item for fiscal year 2022. 76380

On July 1, 2022, or as soon as possible thereafter, the 76381
Legislative Inspector General of the Joint Legislative Ethics 76382
Committee may certify to the Director of Budget and Management an 76383
amount up to the unexpended, unencumbered balance of the foregoing 76384
appropriation item 028321, Legislative Ethics Committee, at the 76385
end of fiscal year 2022 to be reappropriated to fiscal year 2023. 76386

The amount certified is hereby reappropriated to the same 76387
 appropriation item for fiscal year 2023. 76388

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 76389

General Revenue Fund 76390

GRF 035321 Operating Expenses \$ 21,368,380 \$ 21,368,380 76391

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 76392

GRF 035405 Correctional \$ 447,020 \$ 447,020 76393

Institution Inspection
 Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 0 76394

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 76395

GRF 035410 Legislative \$ 11,033,890 \$ 11,033,890 76396

Information Systems

GRF 035501 Litigation \$ 1,000,000 \$ 1,000,000 76397

TOTAL GRF General Revenue Fund \$ 36,529,290 \$ 35,529,290 76398

Dedicated Purpose Fund Group 76399

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 76400

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 76401

Group

TOTAL ALL BUDGET FUND GROUPS \$ 36,539,290 \$ 35,539,290 76402

Section 323.20. OPERATING EXPENSES 76404

Of the foregoing appropriation item 035321, Operating 76405

Expenses, up to \$6,000 in each fiscal year shall be used for the 76406

Ohio Aerospace and Aviation Technology Committee (OAATC) to cover 76407

expenses incurred as a result of the Committee's work. 76408

On July 1, 2021, or as soon as possible thereafter, the 76409

Director of the Legislative Service Commission may certify to the 76410

Director of Budget and Management an amount up to the unexpended, 76411

unencumbered balance of the foregoing appropriation item 035321, 76412

Operating Expenses, at the end of fiscal year 2021 to be 76413
reappropriated to fiscal year 2022. The amount certified is hereby 76414
reappropriated to the same appropriation item for fiscal year 76415
2022. 76416

On July 1, 2022, or as soon as possible thereafter, the 76417
Director of the Legislative Service Commission may certify to the 76418
Director of Budget and Management an amount up to the unexpended, 76419
unencumbered balance of the foregoing appropriation item 035321, 76420
Operating Expenses, at the end of fiscal year 2022 to be 76421
reappropriated to fiscal year 2023. The amount certified is hereby 76422
reappropriated to the same appropriation item for fiscal year 76423
2023. 76424

LEGISLATIVE TASK FORCE ON REDISTRICTING 76425

An amount equal to the unexpended, unencumbered balance of 76426
the foregoing appropriation item 035407, Legislative Task Force on 76427
Redistricting, at the end of fiscal year 2021 is hereby 76428
reappropriated to the Legislative Service Commission for the same 76429
purpose for fiscal year 2022. 76430

An amount equal to the unexpended, unencumbered balance of 76431
the foregoing appropriation item 035407, Legislative Task Force on 76432
Redistricting, at the end of fiscal year 2022 is hereby 76433
reappropriated to the Legislative Service Commission for the same 76434
purpose for fiscal year 2023. 76435

LEGISLATIVE INFORMATION SYSTEMS 76436

On July 1, 2021, or as soon as possible thereafter, the 76437
Director of the Legislative Service Commission may certify to the 76438
Director of Budget and Management an amount up to the unexpended, 76439
unencumbered balance of the foregoing appropriation item 035410, 76440
Legislative Information Systems, at the end of fiscal year 2021 to 76441
be reappropriated to fiscal year 2022. The amount certified is 76442
hereby reappropriated to the same appropriation item for fiscal 76443

year 2022. 76444

On July 1, 2022, or as soon as possible thereafter, the 76445
Director of the Legislative Service Commission may certify to the 76446
Director of Budget and Management an amount up to the unexpended, 76447
unencumbered balance of the foregoing appropriation item 035410, 76448
Legislative Information Systems, at the end of fiscal year 2022 to 76449
be reappropriated to fiscal year 2023. The amount certified is 76450
hereby reappropriated to the same appropriation item for fiscal 76451
year 2023. 76452

LITIGATION 76453

The foregoing appropriation item 035501, Litigation, shall be 76454
used for any lawsuit in which the General Assembly is a party 76455
because a legal or constitutional challenge is made against the 76456
Ohio Constitution or an act of the General Assembly. The 76457
chairperson and vice-chairperson of the Legislative Service 76458
Commission shall both approve the use of the appropriated moneys. 76459

An amount equal to the unexpended, unencumbered balance of 76460
the foregoing appropriation item 035501, Litigation, at the end of 76461
fiscal year 2021 is hereby reappropriated to the Legislative 76462
Service Commission for the same purpose for fiscal year 2022. 76463

An amount equal to the unexpended, unencumbered balance of 76464
the foregoing appropriation item 035501, Litigation, at the end of 76465
fiscal year 2022 is hereby reappropriated to the Legislative 76466
Service Commission for the same purpose for fiscal year 2023. 76467

Section 325.10. LIB STATE LIBRARY BOARD 76468

General Revenue Fund 76469

GRF 350321 Operating Expenses \$ 4,293,122 \$ 4,293,122 76470

GRF 350401 Ohioana Library \$ 305,000 \$ 305,000 76471

Association

GRF 350502 Regional Library \$ 480,000 \$ 480,000 76472

Systems			
TOTAL GRF General Revenue Fund	\$	5,078,122	\$ 5,078,122 76473
Dedicated Purpose Fund Group			76474
4590 350603 Services for	\$	4,252,887	\$ 4,252,887 76475
Libraries			
4S40 350604 Ohio Public Library	\$	5,696,898	\$ 5,698,898 76476
Information Network			
5GB0 350605 Library for the Blind	\$	1,274,194	\$ 1,274,194 76477
TOTAL DPF Dedicated Purpose Fund	\$	11,223,979	\$ 11,225,979 76478
Group			
Internal Service Activity Fund			76479
1390 350602 Services for State	\$	8,000	\$ 8,000 76480
Agencies			
TOTAL ISA Internal Service Activity	\$	8,000	\$ 8,000 76481
Fund Group			
Federal Fund Group			76482
3130 350601 LSTA Federal	\$	5,366,565	\$ 5,366,565 76483
TOTAL FED Federal Fund Group	\$	5,366,565	\$ 5,366,565 76484
TOTAL ALL BUDGET FUND GROUPS	\$	21,676,666	\$ 21,678,666 76485

Section 325.20. OHIOANA LIBRARY ASSOCIATION 76487

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 76488
76489
76490
76491

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 76492
76493
76494
76495

REGIONAL LIBRARY SYSTEMS 76496

The foregoing appropriation item 350502, Regional Library 76497

Systems, shall be used to support regional library systems 76498
eligible for funding under sections 3375.83 and 3375.90 of the 76499
Revised Code. 76500

OHIO PUBLIC LIBRARY INFORMATION NETWORK 76501

(A) The foregoing appropriation item 350604, Ohio Public 76502
Library Information Network, shall be used for an information 76503
telecommunications network linking public libraries in the state 76504
and such others as may participate in the Ohio Public Library 76505
Information Network (OPLIN). 76506

The Ohio Public Library Information Network Board of Trustees 76507
created under section 3375.65 of the Revised Code may make 76508
decisions regarding use of the foregoing appropriation item 76509
350604, Ohio Public Library Information Network. 76510

(B) The OPLIN Board shall research and assist or advise local 76511
libraries with regard to emerging technologies and methods that 76512
may be effective means to control access to obscene and illegal 76513
materials. The OPLIN Director shall provide written reports upon 76514
request within ten days to the Governor, the Speaker and Minority 76515
Leader of the House of Representatives, and the President and 76516
Minority Leader of the Senate on any steps being taken by OPLIN 76517
and public libraries in the state to limit and control such 76518
improper usage as well as information on technological, legal, and 76519
law enforcement trends nationally and internationally affecting 76520
this area of public access and service. 76521

(C) The Ohio Public Library Information Network, INFOhio, and 76522
OhioLINK shall, to the extent feasible, coordinate and cooperate 76523
in their purchase or other acquisition of the use of electronic 76524
databases for their respective users and shall contribute funds in 76525
an equitable manner to such effort. 76526

LIBRARY FOR THE BLIND 76527

The foregoing appropriation item 350605, Library for the 76528

Blind, shall be used for the statewide Talking Book Program to 76529
 assist the blind and disabled. 76530

TRANSFER TO OPLIN TECHNOLOGY FUND 76531

Notwithstanding sections 5747.03 and 5747.47 of the Revised 76532
 Code and any other provision of law to the contrary, in accordance 76533
 with a schedule established by the Director of Budget and 76534
 Management, the Director of Budget and Management shall transfer 76535
 \$3,689,788 cash in each fiscal year from the Public Library Fund 76536
 (Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 76537

TRANSFER TO LIBRARY FOR THE BLIND FUND 76538

Notwithstanding sections 5747.03 and 5747.47 of the Revised 76539
 Code and any other provision of law to the contrary, in accordance 76540
 with a schedule established by the Director of Budget and 76541
 Management, the Director of Budget and Management shall transfer 76542
 \$1,274,194 cash in each fiscal year from the Public Library Fund 76543
 (Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 76544

Section 327.10. LCO LIQUOR CONTROL COMMISSION 76545

Dedicated Purpose Fund Group 76546

5LP0 970601	Commission Operating	\$	944,885	\$	947,645	76547
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Expenses

TOTAL DPF Dedicated Purpose Fund	\$	944,885	\$	947,645	76548
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	944,885	\$	947,645	76549
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Section 329.10. LOT STATE LOTTERY COMMISSION 76551

State Lottery Fund Group 76552

7044 950321	Operating Expenses	\$	57,344,482	\$	58,581,656	76553
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7044 950402	Advertising Contracts	\$	27,925,000	\$	27,925,000	76554
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7044 950403	Gaming Contracts	\$	84,082,171	\$	90,357,570	76555
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7044 950601	Direct Prize Payments	\$	158,700,369	\$	162,809,344	76556
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7044 950605	Problem Gambling	\$	4,000,000	\$	4,000,000	76557
8710 950602	Annuity Prizes	\$	56,311,050	\$	58,328,775	76558
TOTAL SLF	State Lottery Fund Group	\$	388,363,072	\$	402,002,345	76559
TOTAL ALL BUDGET FUND GROUPS		\$	388,363,072	\$	402,002,345	76560

OPERATING EXPENSES 76561

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 76562
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76565
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76568

DIRECT PRIZE PAYMENTS 76569

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 76570
76571
76572
76573

ANNUITY PRIZES 76574

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 76575
76576
76577
76578
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76580
76581

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated. 76582
76583
76584
76585

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 76586

Estimated transfers from the State Lottery Fund (Fund 7044) 76587
to the Lottery Profits Education Fund (Fund 7017) are to be 76588
\$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal 76589
year 2023. Transfers by the Director of Budget and Management to 76590
the Lottery Profits Education Fund shall be administered as the 76591
statutes direct. 76592

Section 333.10. MCD DEPARTMENT OF MEDICAID 76593

General Revenue Fund 76594

GRF 651425 Medicaid Program \$ 174,630,600 \$ 175,966,900 76595
Support - State

GRF 651426 Positive Education \$ 1,000,000 \$ 0 76596
Program Connections

GRF 651525 Medicaid Health Care \$ 3,971,461,568 \$ 5,474,740,107 76597
Services-State

Medicaid Health Care \$ 11,119,627,170 \$ 13,416,349,002 76598
Services-Federal

Medicaid Health Care \$ 15,091,088,738 \$ 18,891,089,109 76599
Services - Total

GRF 651526 Medicare Part D \$ 489,144,862 \$ 566,626,746 76600

GRF 651529 Brigid's Path Pilot \$ 1,000,000 \$ 1,000,000 76601

GRF 651533 Food Farmacy Pilot \$ 250,000 \$ 250,000 76602
Project

TOTAL GRF General Revenue Fund 76603

State \$ 4,637,487,030 \$ 6,218,583,753 76604

Federal \$ 11,119,627,170 \$ 13,416,349,002 76605

GRF Total \$ 15,757,114,200 \$ 19,634,932,755 76606

Dedicated Purpose Fund Group 76607

4E30 651605 Resident Protection \$ 7,000,000 \$ 7,000,000 76608
Fund

5AN0 651686 Care Innovation and \$ 85,621,440 \$ 85,452,765 76609
Community Improvement

		Program				
5DL0	651639	Medicaid Services - Recoveries	\$	547,500,000	\$	605,000,000 76610
5DL0	651685	Medicaid Recoveries - Program Support	\$	98,332,700	\$	80,747,100 76611
5DL0	651690	Multi-system Youth Custody Relinquishment	\$	16,000,000	\$	16,000,000 76612
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000 76613
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$	932,000,000	\$	971,000,000 76614
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000 76615
5SA4	651689	Medicaid Health & Human Services	\$	900,000,000	\$	300,000,000 76616
5TN0	651684	Medicaid Services - HIC Fee	\$	1,013,000,000	\$	966,000,000 76617
5XY0	651694	Improvements for Priority Populations	\$	10,500,000	\$	10,500,000 76618
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	158,392,748	\$	102,289,260 76619
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,195,346,888	\$	3,570,989,125 76620
		Holding Account Fund Group				76621
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000 76622
TOTAL HLD		Holding Account Fund Group	\$	1,000,000	\$	1,000,000 76623
		Federal Fund Group				76624

3ER0	651603	Medicaid and Health Transformation Technology	\$ 10,083,900	\$ 9,660,200	76625
3F00	651623	Medicaid Services - Federal	\$10,666,371,307	\$ 8,149,625,803	76626
3F00	651624	Medicaid Program Support - Federal	\$ 543,733,300	\$ 509,264,400	76627
3FA0	651680	Health Care Grants - Federal	\$ 3,000,000	\$ 3,000,000	76628
3G50	651655	Medicaid Interagency Pass Through	\$ 241,692,200	\$ 241,692,200	76629
TOTAL FED	Federal Fund Group		\$11,464,880,707	\$ 8,913,242,603	76630
TOTAL ALL BUDGET FUND GROUPS			\$31,418,341,795	\$32,120,164,483	76631

Section 333.20. MEDICAID HEALTH CARE SERVICES 76633

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 76634
76635
76636

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 76637

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated. 76638
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Section 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS 76649

The foregoing appropriation item, 651426, Positive Education Program Connections, shall be used for the Positive Education Program Connections in Cuyahoga County.

Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 76653

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

Section 333.45. HOSPITAL FRANCHISE FEE ADDITIONAL APPROPRIATIONS 76661
76662

If the Medicaid Director determines that, due to the impact of the COVID-19 public health emergency, additional appropriations are necessary in appropriation items 651656, Medicaid Services - Hospital Franchise Fee and 651623, Medicaid Services - Federal, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from these items in excess of the amount appropriated. Upon such a request, the Director of Budget and Management may authorize excess expenditures by up to \$400,000,000 in appropriation item 651656, Medicaid Services - Hospital Franchise Fee, and up to \$1,000,000,000 in appropriation item 651623, Medicaid Services - Federal, in each fiscal year. Excess expenditures authorized by the Director of Budget and Management are hereby appropriated.

Section 333.50. MEDICARE PART D 76676

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and

operation of the Medicare Part D requirements contained in the 76679
"Medicare Prescription Drug, Improvement, and Modernization Act of 76680
2003," Pub. L. No. 108-173, as amended. Upon the request of the 76681
Medicaid Director, the Director of Budget and Management may 76682
transfer the state share of appropriations between appropriation 76683
item 651525, Medicaid Health Care Services, and appropriation item 76684
651526, Medicare Part D. If the state share of appropriation item 76685
651525, Medicaid Health Care Services, is adjusted, the Director 76686
of Budget and Management shall adjust the federal share 76687
accordingly. The Department of Medicaid shall provide notification 76688
to the Controlling Board of any transfers at the next scheduled 76689
Controlling Board meeting. 76690

Section 333.55. BRIGID'S PATH PILOT 76691

The foregoing appropriation item, 651529, Brigid's Path 76692
Pilot, shall be distributed to Brigid's Path Program in Montgomery 76693
County. If the Medicaid Director files rules with the Joint 76694
Committee on Agency Rule Review to implement a mother baby dyad 76695
program under which residential pediatric recovery centers would 76696
receive reimbursement for treatment of infants with neonatal 76697
abstinence syndrome, upon the rules' effective date or as soon as 76698
possible thereafter, the Medicaid Director shall certify to the 76699
Director of Budget and Management the unexpended, unencumbered 76700
funds from appropriation item 651529 remaining for fiscal year 76701
2022 and fiscal year 2023. Upon certification, the Director of 76702
Budget and Management shall transfer the remaining appropriation 76703
to appropriation item 651525, Medicaid Health Care Services. 76704

Section 333.57. FOOD FARMACY PILOT PROJECT 76705

The foregoing appropriation item 651533, Food Farmacy Pilot 76706
Project, shall be distributed to the Akron Canton Regional 76707
Foodbank to provide comprehensive medical, nutrition, and 76708

lifestyle support for food-insecure patients with chronic diseases 76709
and their families. 76710

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT 76711
PROGRAM 76712

(A) As used in this section: 76713

(1) "Nonprofit hospital agency" means a nonprofit hospital 76714
agency, as defined in section 140.01 of the Revised Code, that is 76715
affiliated with a state university as defined in section 3345.011 76716
of the Revised Code. 76717

(2) "Participating agency" means a nonprofit hospital agency 76718
or public hospital agency participating in the Care Innovation and 76719
Community Improvement Program. 76720

(3) "Public hospital agency" has the same meaning as in 76721
section 140.01 of the Revised Code. 76722

(B) The Medicaid Director shall continue the Care Innovation 76723
and Community Improvement Program for the 2022-2023 fiscal 76724
biennium. Any nonprofit hospital agency or public hospital agency 76725
may volunteer to participate in the program if the agency operates 76726
a hospital that has a Medicaid provider agreement. 76727

(C) Participating agencies are responsible for the state 76728
share of the program's costs and shall make or request the 76729
appropriate government entity to make intergovernmental transfers 76730
to pay for those costs. The Medicaid Director shall establish a 76731
schedule for making the intergovernmental transfers. 76732

(D) Each participating agency shall receive supplemental 76733
payments under the Medicaid program for physician and other 76734
professional services that are covered by the Medicaid program and 76735
provided to Medicaid recipients. The amount of the supplemental 76736
payments shall equal the difference between the Medicaid payment 76737
rates for the services and the average commercial payment rates 76738

for the services. The Director may terminate, or adjust the amount 76739
of, the supplemental payments if the amount of the funds available 76740
for the Care Innovation and Community Improvement Program is 76741
inadequate. 76742

(E) Each participating agency shall jointly participate in 76743
quality improvement initiatives that align with and advance the 76744
goals of the Department of Medicaid's quality strategy required 76745
under 42. C.F.R. 438.340. 76746

(F) The Medicaid Director shall maintain a process to 76747
evaluate the work done by participating agencies under division 76748
(E) of this section and the agencies' progress in meeting the 76749
goals of the Care Innovation and Community Improvement Program. 76750
The Director may terminate an agency's participation in the 76751
program if the Director determines that the agency is not 76752
participating as specified in division (E) of this section or 76753
making progress in meeting the program's quality improvement 76754
goals. 76755

(G) Not later than December 31 of each year, the Medicaid 76756
Director shall submit a report to the Speaker of the House of 76757
Representatives, the President of the Senate, and the Joint 76758
Medicaid Oversight Committee, detailing the efficacy, trends, 76759
outcomes, and number of agencies enrolled in the Care Innovation 76760
and Community Improvement Program. The report also shall specify 76761
the total amount of supplemental payments made to participating 76762
agencies under division (D) of this section. All data contained 76763
within the report shall be aggregated. 76764

(H) All intergovernmental transfers made under division (C) 76765
of this section shall be deposited into the Care Innovation and 76766
Community Improvement Program Fund created by Section 333.320 of 76767
H.B. 49 of the 132nd General Assembly. Money in the fund and the 76768
corresponding federal financial participation in the Health Care - 76769
Federal Fund created under section 5162.50 of the Revised Code 76770

shall be used to make supplemental payments under division (D) of 76771
this section. 76772

(I) If the amount of the foregoing appropriation item 651686, 76773
Care Innovation and Community Improvement Program, and the 76774
corresponding federal financial participation in appropriation 76775
item 651623, Medicaid Services - Federal, are inadequate to make 76776
the supplemental payments required by division (D) of this 76777
section, the Medicaid Director may request that the Director of 76778
Budget and Management authorize additional expenditures from the 76779
Care Innovation and Community Improvement Program Fund (Fund 5AN0) 76780
and the Health Care - Federal Fund (Fund 3F00) as needed to make 76781
the supplemental payments. If the Director of Budget and 76782
Management authorizes the additional expenditures, the additional 76783
amounts are hereby appropriated. 76784

**Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 76785
AND RECOVERIES FUND 76786**

Of the amount received by the Department of Medicaid during 76787
fiscal year 2022 and fiscal year 2023 from the first installment 76788
of assessments paid under section 5168.06 of the Revised Code and 76789
intergovernmental transfers made under section 5168.07 of the 76790
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 76791
in each fiscal year into the state treasury to the credit of the 76792
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 76793

**Section 333.80. HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES 76794
FUND EXPENDITURES 76795**

If receipts credited to the Health Care/Medicaid Support and 76796
Recoveries Fund (Fund 5DL0) exceed the amounts appropriated from 76797
the fund, the Medicaid Director may request the Director of Budget 76798
and Management to authorize expenditures from the fund in excess 76799
of the amounts appropriated. If any additional amounts are 76800

authorized, the Director of Budget and Management shall adjust, 76801
using the federal reimbursement rate, the federal appropriation 76802
item identified by the Medicaid Director accordingly. Any 76803
authorized amounts and any corresponding federal adjustments are 76804
hereby appropriated. 76805

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 76806
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 76807
TREATMENT FUND 76808

Upon the request of the Medicaid Director, the Director of 76809
Budget and Management may transfer up to \$2,000,000 cash in each 76810
fiscal year from the Health Care/Medicaid Support and Recoveries 76811
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 76812
(Fund 4750), used by the Department of Mental Health and Addiction 76813
Services. Any transferred funds shall be used to support Centers 76814
of Excellence and related activities. Any transferred amounts are 76815
hereby appropriated. 76816

Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE 76817
FEE 76818

If receipts credited to the Health Insuring Corporation Class 76819
Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated 76820
from the fund, the Medicaid Director may request the Director of 76821
Budget and Management to authorize expenditures from the fund in 76822
excess of the amounts appropriated. If any additional amounts are 76823
authorized, the Director of Budget and Management shall adjust, 76824
using the federal reimbursement rate, the federal appropriation 76825
item identified by the Medicaid Director accordingly. Any 76826
authorized amounts and any corresponding federal adjustments are 76827
hereby appropriated. 76828

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 76829

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to authorize expenditures from appropriation item 651655, Medicaid Interagency Pass-Through in excess of amounts

appropriated. Upon the approval of the Director of Budget and Management, any excess amounts are hereby appropriated.

Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support -

Local, within the Department of Job and Family Services. If such a 76890
transfer occurs, the Director of Budget and Management shall 76891
adjust, using the federal reimbursement rate, the federal share 76892
appropriations of General Revenue Fund appropriation item 651525, 76893
Medicaid Health Care Services, within the Department of Medicaid, 76894
and the Medicaid Program Support Fund (Fund 3F01) appropriation 76895
item 655624, Medicaid Program Support - Federal, within the 76896
Department of Job and Family Services. The Director of Medicaid 76897
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 76898
the federal funds which the Department of Medicaid, as the state's 76899
sole point of contact with the federal government for Medicaid 76900
reimbursements, has drawn for this transaction. 76901

The Medicaid Director shall establish criteria for 76902
distributing these funds and for county departments of job and 76903
family services to submit allowable expenses. 76904

County departments of job and family services shall comply 76905
with new roles, processes, and responsibilities related to the new 76906
eligibility determination system. County departments of job and 76907
family services shall report to the Ohio Department of Job and 76908
Family Services and the Ohio Department of Medicaid, on a schedule 76909
determined by the Medicaid Director, how the funds were used. 76910

Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY 76911
BEHAVIORAL HEALTH SERVICES 76912

(A) As used in this section: 76913

(1) "Community behavioral health services" has the same 76914
meaning as in section 5164.01 of the Revised Code. 76915

(2) "Hospital" has the same meaning as in section 3727.01 of 76916
the Revised Code. 76917

(3) "Intermediate care facility for individuals with 76918
intellectual disabilities" has the same meaning as in section 76919

5124.01 of the Revised Code.	76920
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	76921 76922
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2022 and fiscal year 2023 that exceed the authorized rates paid for the services under the Medicare program.	76923 76924 76925 76926 76927
(C) This section does not apply to community behavioral health services provided by any of the following:	76928 76929
(1) Hospitals on an inpatient basis;	76930
(2) Nursing facilities;	76931
(3) Intermediate care facilities for individuals with intellectual disabilities.	76932 76933
Section 333.165. HCBS WAIVER PAYMENT RATES	76934
(A) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$5,000,000 in each fiscal year shall be used to increase the payment rates during fiscal year 2022 and fiscal year 2023 for the adult day care services provided by Medicaid-funded and state-funded providers under the PASSPORT program.	76935 76936 76937 76938 76939 76940
(B) The Department of Medicaid shall establish a methodology for calculating the rate increase from the funds under division (A) of this section.	76941 76942 76943
Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	76944 76945
(A) As used in this section:	76946
(1) "Care management system" means the system established	76947

under section 5167.03 of the Revised Code. 76948

(2) "Dual eligible individuals" has the same meaning as in 76949
section 5160.01 of the Revised Code. 76950

(3) "Medicaid managed care organization" has the same meaning 76951
as in section 5167.01 of the Revised Code. 76952

(4) "Medicaid waiver component" has the same meaning as in 76953
section 5166.01 of the Revised Code. 76954

(B) If the Department of Medicaid expands the inclusion of 76955
the aged, blind, and disabled Medicaid eligibility group or dual 76956
eligible individuals in the care management system during the FY 76957
2022 - FY 2023 fiscal biennium, the Department shall do both of 76958
the following for the remainder of the fiscal biennium: 76959

(1) Require area agencies on aging to be the coordinators of 76960
home and community-based services available under Medicaid waiver 76961
components that those individuals and that eligibility group 76962
receive and permit Medicaid managed care organizations to delegate 76963
to the agencies full-care coordination functions for those 76964
services and other health-care services those individuals and that 76965
eligibility group receive; 76966

(2) In selecting managed care organizations with which to 76967
contract under section 5167.10 of the Revised Code, give 76968
preference to those organizations that will enter into 76969
subcapitation arrangements with area agencies on aging under which 76970
the agencies are to perform, in addition to other functions, 76971
network management and payment functions for home and 76972
community-based services available under Medicaid waiver 76973
components that those individuals and that eligibility group 76974
receive. 76975

Section 333.175. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 76976
POPULATIONS 76977

(A) As used in this section: 76978

(1) "Care management system" and "enrollee" have the same 76979
meanings as in section 5167.01 of the Revised Code. 76980

(2) "State university" has the same meaning as in section 76981
3345.011 of the Revised Code. 76982

(B) There is hereby created the Ohio Invests in Improvements 76983
for Priority Populations (OIPP) Program. The program shall be a 76984
directed payment program for inpatient and outpatient hospital 76985
services provided to Medicaid care management system enrollees 76986
receiving care at state university-owned hospitals with less than 76987
three hundred inpatient beds. Participating hospitals shall 76988
receive payments directly for services provided under the program 76989
and remit to the Department of Medicaid, through intergovernmental 76990
transfer, the nonfederal share of those services. Transfers made 76991
for the program shall be deposited into the Hospital Directed 76992
Payment Program Fund. The Medicaid Director shall seek approval 76993
from the Centers for Medicare and Medicaid Services for the 76994
program in accordance with section 5162.07 of the Revised Code. 76995

(C) The foregoing appropriation item 651694, Improvements for 76996
Priority Populations, and the corresponding federal share in 76997
appropriation item 651623, Medicaid Services - Federal, shall be 76998
used for the OIPP Program. 76999

(D) If receipts credited to the Hospital Directed Payment 77000
Program Fund (Fund 5XY0) exceed the amounts appropriated from the 77001
fund, the Medicaid Director may request the Director of Budget and 77002
Management to authorize expenditures from the fund in excess of 77003
the amounts appropriated. If any additional amounts are 77004
authorized, the Director of Budget and Management shall adjust, 77005
using the federal reimbursement rate, the appropriation in 77006
appropriation item 651623, Medicaid Services - Federal, 77007
accordingly. Any authorized amounts are hereby appropriated. 77008

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - 77009
OHIO MEANS JOBS COSTS 77010

Upon the request of the Medicaid Director, the Director of 77011
Budget and Management may transfer state share appropriations in 77012
each fiscal year between appropriation item 651685, Medicaid 77013
Recoveries - Program Support, within the Department of Medicaid, 77014
and 655425, Medicaid Program Support, within the Department of Job 77015
and Family Services. If such a transfer occurs, the Director of 77016
Budget and Management shall adjust, using the federal 77017
reimbursement rate, the federal share appropriations of 77018
appropriation item 651624, Medicaid Program Support - Federal, 77019
within the Department of Medicaid, and appropriation item 655624, 77020
Medicaid Program Support - Federal, within the Department of Job 77021
and Family Services. Any transfer of funds shall be provided to 77022
the Department of Job and Family Services and shall only be used 77023
for costs related to transitioning to a new work community 77024
engagement program for the Medicaid program as prescribed by the 77025
Medicaid Director. 77026

Section 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 77027
COSTS 77028

Upon the request of the Medicaid Director, the Director of 77029
Budget and Management may transfer state share appropriations in 77030
each fiscal year between appropriation item 651525, Medicaid 77031
Health Care Services, within the Department of Medicaid, and 77032
655522, Medicaid Program Support - Local, within the Department of 77033
Job and Family Services. If such a transfer occurs, the Director 77034
of Budget and Management shall adjust, using the federal 77035
reimbursement rate, the federal share appropriations of 77036
appropriation item 651525, Medicaid Health Care Services, within 77037
the Department of Medicaid, and appropriation item 655624, 77038
Medicaid Program Support - Federal, within the Department of Job 77039

and Family Services. Any increase in funding shall be provided to 77040
county departments of job and family services and shall only be 77041
used for costs related to transitioning to a new work community 77042
engagement program under the Medicaid program as prescribed by the 77043
Medicaid Director. These funds shall not be used for existing and 77044
ongoing operating expenses. The Medicaid Director shall establish 77045
criteria for distributing these funds and for county departments 77046
of job and family services to submit allowable expenses. 77047

Section 333.205. MEDICAID HEALTH & HUMAN SERVICES 77048

The Medicaid Director shall seek Controlling Board approval 77049
before any funds can be expended from appropriation item 651689, 77050
Medicaid Health & Human Services. 77051

Section 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 77052
PROGRAM 77053

(A) As used in this section: 77054

(1) "Expansion eligibility group" has the same meaning as in 77055
section 5163.01 of the Revised Code. 77056

(2) "Medical assistance recipient" has the same meaning as in 77057
section 5160.01 of the Revised Code. 77058

(B) As a result of the COVID-19 public health emergency, 77059
which created impediments to implementing the work and community 77060
engagement waiver component under section 5166.37 of the Revised 77061
Code requiring individuals to meet at least one of the enumerated 77062
requirements as a condition to enrolling in Medicaid as part of 77063
the expansion eligibility group, the Medicaid Director shall 77064
establish and implement a voluntary community engagement program 77065
in accordance with this section not later than January 1, 2022. 77066

(C) The community engagement program shall be available to 77067
all medical assistance recipients. Participation in the program 77068

shall be voluntary. 77069

(D) The community engagement program shall do all of the 77070
following: 77071

(1) Encourage medical assistance recipients to work who are 77072
of working age and able-bodied; 77073

(2) Promote to medical assistance recipients the economic 77074
stability, financial independence, and improved health outcomes 77075
from work; 77076

(3) Provide information to medical assistance recipients 77077
about the services available under the community engagement 77078
program, including an explanation of the importance of work to 77079
overall physical and mental health. 77080

(E) The community engagement program shall continue through 77081
the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to 77082
implement the waiver component under section 5166.37 of the 77083
Revised Code, whichever is sooner, at which point it will cease to 77084
exist. 77085

(F) As part of the community engagement program, the Medicaid 77086
Director shall explore partnerships with education and training 77087
providers to increase training opportunities for Medicaid 77088
recipients. 77089

Section 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE 77090

(A) Not later than sixty days after the effective date of 77091
this section, the Department of Medicaid shall submit to the 77092
United States Centers for Medicare and Medicaid Services a 77093
Medicaid state plan amendment to authorize the Department to enter 77094
into value-based purchasing supplemental rebate agreements with 77095
pharmaceutical manufacturers. 77096

(B) The agreements authorized by the state plan amendment 77097
shall establish criteria for the Department to make supplemental 77098

rebate payments to pharmaceutical manufacturers. The Department of 77099
Medicaid shall use its best efforts to ensure that the form 77100
value-based supplemental rebate agreement submitted to the Centers 77101
for Medicare and Medicaid Services permits rebates to be 77102
calculated on many different bases at the discretion of the 77103
Department with the approval of the pharmaceutical manufacturer, 77104
including under outcome-based models, shared savings models, 77105
subscription or modified subscription models, risk-sharing models, 77106
or guarantees. The rebates may be calculated and paid in a single 77107
year or over multiple years. 77108

(C) Nothing in this section requires a drug manufacturer or 77109
the Department to enter into a supplemental rebate agreement under 77110
this section. 77111

Section 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM 77112

(A) As used in this section: 77113

(1) "Care management system," "enrollee," "Medicaid managed 77114
care organization," and "provider" have the same meanings as in 77115
section 5167.01 of the Revised Code. 77116

(2) "Expansion eligibility group" has the same meaning as in 77117
section 5163.01 of the Revised Code. 77118

(B) The Department of Medicaid shall establish the Medicaid 77119
Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot 77120
program shall be available to enrollees who qualify for Medicaid 77121
as part of the expansion eligibility group. The Department may 77122
expand the program based on determinations made under division (E) 77123
of this section about whether the program has met demonstrated 77124
success criteria, as established in rules authorized by division 77125
(F) of this section. 77126

(C) The pilot program shall do all of the following: 77127

(1) Identify eligible enrollees who are members of the 77128

expansion eligibility group to participate in the program;	77129
(2) Provide Medicaid services to pilot program participants	77130
at a rate of 95 per cent of current Medicaid managed care	77131
organization capitation rates;	77132
(3) Use technology to do all of the following:	77133
(a) Utilize automation and artificial intelligence to provide	77134
Medicaid program savings by avoiding traditional cost structures;	77135
(b) Diversify care management system programs to achieve	77136
better health outcomes at better value;	77137
(c) Enable seamless communication between providers and care	77138
management entities under the program;	77139
(d) Improve the Medicaid program experience for providers and	77140
enrollees.	77141
(4) Develop and implement strategies to provide opportunities	77142
for pilot program participants to rise above the poverty level	77143
criteria for Medicaid eligibility;	77144
(5) Enable care management entities under the program to take	77145
the risks incidental to the practice of insurance, as an insurer	77146
licensed under Title XXXIX of the Revised Code;	77147
(6) After program implementation, include 90-day study	77148
periods to determine whether to expand, sustain, or terminate the	77149
pilot program.	77150
(D) The Department shall contract with a care management	77151
entity to administer Medicaid benefits under the pilot program.	77152
The care management entity shall meet all of the following	77153
criteria:	77154
(1) Be an insurer licensed to do business in this state under	77155
Title XXXIX of the Revised Code;	77156
(2) Be a start-up company domiciled in this state;	77157

(3) Have sufficient capital of at least thirty million 77158
dollars. 77159

(E) Not later than December 31, 2022, the Department shall 77160
submit a report outlining clinical outcome data and cost impacts 77161
of the pilot program. The report shall be submitted to the Speaker 77162
of the House of Representatives and the Senate President, in 77163
accordance with section 101.68 of the Revised Code, and to the 77164
members of the Joint Medicaid Oversight Committee. 77165

(F) The members of the standing Health Committee of the House 77166
of Representatives shall appoint a subcommittee to make 77167
determinations about the progress of the pilot program. 77168

(G) The Medicaid Director shall adopt rules under section 77169
5160.02 of the Revised Code as necessary to implement the pilot 77170
program, including the geographic areas where the program will 77171
occur, program participant eligibility requirements, and program 77172
demonstrated success criteria. 77173

Section 333.240. NURSING FACILITY REBASING 77174

(A) As used in this section, "nursing facility" and 77175
"rebasings" have the same meanings as in section 5165.01 of the 77176
Revised Code. 77177

(B) Of the foregoing appropriation item 651525, Medicaid 77178
Health Care Services, \$50,000,000 in each fiscal year shall be 77179
used by the Department of Medicaid to pay for rebasing 77180
determinations of nursing facilities' Medicaid rates as calculated 77181
under division (B) of section 5165.36 of the Revised Code. 77182
Notwithstanding any provision of law to the contrary, the 77183
Department shall prorate these rebasing determinations as needed 77184
to stay within this earmark. 77185

Section 335.10. MED STATE MEDICAL BOARD 77186

Dedicated Purpose Fund Group				77187
5C60 883609 Operating Expenses	\$	12,294,149	\$ 12,551,618	77188
TOTAL DPF Dedicated Purpose Fund Group	\$	12,294,149	\$ 12,551,618	77189
TOTAL ALL BUDGET FUND GROUPS	\$	12,294,149	\$ 12,551,618	77190

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES 77192
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General Revenue Fund				77194
GRF 336321 Central Administration	\$	17,267,311	\$ 17,555,983	77195
GRF 336402 Resident Trainees	\$	450,000	\$ 450,000	77196
GRF 336405 Family and Children First	\$	1,386,000	\$ 1,386,000	77197
GRF 336406 Prevention and Wellness	\$	4,868,659	\$ 4,868,659	77198
GRF 336412 Hospital Services	\$	256,956,156	\$ 262,210,314	77199
GRF 336415 Mental Health Facilities Lease Rental Bond Payments	\$	27,000,000	\$ 27,000,000	77200
GRF 336421 Continuum of Care Services	\$	85,964,846	\$ 85,964,846	77201
GRF 336422 Criminal Justice Services	\$	19,805,937	\$ 19,805,937	77202
GRF 336423 Addiction Services Partnership with Corrections	\$	33,830,547	\$ 34,409,472	77203
GRF 336424 Recovery Housing	\$	3,000,000	\$ 3,000,000	77204
GRF 336425 Specialized Docket Support	\$	10,000,000	\$ 10,000,000	77205
GRF 336504 Community Innovations	\$	15,000,000	\$ 15,000,000	77206
GRF 336506 Court Costs	\$	1,000,000	\$ 1,000,000	77207

GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	77208
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	1,250,000	\$	1,250,000	77209
GRF	336515	Transcranial Magnetic Stimulation Program	\$	3,000,000	\$	3,000,000	77210
GRF	336516	Appalachian Children Coalition	\$	750,000	\$	750,000	77211
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246	77212
TOTAL GRF		General Revenue Fund	\$	498,828,030	\$	505,238,457	77213
		Dedicated Purpose Fund Group					77214
2320	336621	Family and Children First	\$	1,100,000	\$	1,100,000	77215
4750	336623	Statewide Treatment and Prevention	\$	20,600,000	\$	20,600,000	77216
4850	336632	Mental Health Operating	\$	9,000,000	\$	9,000,000	77217
5AU0	336615	Behavioral Health Care	\$	10,010,000	\$	10,010,000	77218
5CV1	336513	COVID Response - Mental Health	\$	4,500,000	\$	2,500,000	77219
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	77220
5T90	336641	Problem Gambling Services	\$	1,820,000	\$	1,820,000	77221
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	77222
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	77223
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	77224
6890	336640	Education and	\$	75,000	\$	75,000	77225

Conferences					
TOTAL DPF Dedicated Purpose Fund	\$	70,540,000	\$	68,540,000	77226
Group					
Internal Service Activity Fund Group					77227
1490 336609 Hospital Operating	\$	16,000,000	\$	16,000,000	77228
Expenses					
1490 336610 Operating Expenses	\$	5,500,000	\$	5,500,000	77229
1510 336601 Ohio Pharmacy	\$	99,585,489	\$	100,512,696	77230
Services					
4P90 336604 Community Mental	\$	250,000	\$	250,000	77231
Health Projects					
TOTAL ISA Internal Service Activity	\$	121,335,489	\$	122,262,696	77232
Fund Group					
Federal Fund Group					77233
3240 336605 Medicaid/Medicare	\$	20,000,000	\$	20,000,000	77234
3A70 336612 Social Services Block	\$	7,700,000	\$	7,700,000	77235
Grant					
3A80 336613 Federal Grants	\$	5,500,000	\$	5,500,000	77236
3A90 336614 Mental Health Block	\$	72,883,470	\$	38,830,720	77237
Grant					
3B10 652636 Community Medicaid	\$	4,000,000	\$	4,000,000	77238
Legacy Support					
3G40 336618 Substance Abuse Block	\$	125,942,756	\$	85,691,166	77239
Grant					
3H80 336606 Demonstration Grants	\$	15,000,000	\$	15,000,000	77240
3HB1 336644 State Opioid Response	\$	110,176,079	\$	110,176,079	77241
3N80 336639 Administrative	\$	1,000,000	\$	1,000,000	77242
Reimbursement					
TOTAL FED Federal Fund Group	\$	362,202,305	\$	287,897,965	77243
TOTAL ALL BUDGET FUND GROUPS	\$	1,052,905,824	\$	983,939,118	77244
Section 337.20. PREVENTION AND WELLNESS					77246

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 77247
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(A) Up to \$1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services. 77249
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(B) Up to \$500,000 in each fiscal year shall be used to support suicide prevention efforts. 77254
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(C) Up to \$2,250,000 in each fiscal year shall be used to increase access to early identification of behavioral health disorders. 77256
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(D) \$250,000 in each fiscal year shall be used to support the use of LifeAct's certified suicide prevention programs in middle schools and high schools. 77259
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(E) \$120,000 in each fiscal year shall be allocated to the Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention. 77262
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Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS 77265
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The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 77267
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Section 337.40. CONTINUUM OF CARE SERVICES 77275

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 77276
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(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 77278
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(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 77285
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(2) To provide subsidized support for medication-assisted treatment costs. 77288
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(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services. 77290
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(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have 77296
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the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts.

(E) As used in division (C) of this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 77337
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(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 77339
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(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 77341
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$5,500,000 in each fiscal year shall be used to develop a strategic approach to strengthening cross-systems collaboration efforts to serve adults with serious mental illness who are involved in multiple behavioral health, health, human services, and criminal justice systems. 77345
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(G) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$2,500,000 in each fiscal year shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings. 77351
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(H) Of the foregoing appropriation item 336421, Continuum of Care Services, \$2,000,000 in each fiscal year shall be used to support new or expand existing confidential treatment and monitoring programs offered by occupational licensing boards to licensed healthcare workers with mental health or substance use disorders, including by allowing an occupational licensing board to contract with a monitoring organization to administer a confidential treatment and monitoring program, but only if the organization meets all of the following requirements: 77356
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(1) Is organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code; 77365
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(2) Contracts with or employs to serve as the organization's medical director an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine or psychiatry;

(3) Contracts with or employs one or more individuals licensed under Chapter 4732., 4757., or 4758. of the Revised Code as necessary for the organization's operation.

(I) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,000,000 in each fiscal year shall be used to operate the two-year pilot program established in Section 337.205 of this act.

(J) Of the foregoing appropriation item 336421, Continuum of Care Services, \$519,514 in each fiscal year shall be provided to the Near West Side Multi-Service Corporation dba May Dugan Center.

(K) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$475,000 in each fiscal year shall be used to support the operation of a statewide, twenty-four-hour, seven-days-a-week, behavioral health support line.

(L) Of the foregoing appropriation item 336421, Continuum of Care Services, \$400,000 in each fiscal year shall be provided to the Bellefaire Jewish Children's Bureau to be used for unanticipated operating expenditures resulting from the COVID-19 pandemic that are not reimbursed by any other sources of state or federal funding. Expenditures may include, but are not limited to, personnel costs of health care and social workers.

(M) Of the foregoing appropriation item 336421, Continuum of Care Services, \$325,000 in each fiscal year shall be distributed to OhioGuidestone for the Adverse Childhood Experiences Pilot Project.

(N) Of the foregoing appropriation item 336421, Continuum of

Care Services, \$225,000 in each fiscal year shall be distributed 77399
to LifeTown Columbus to provide additional support for facility 77400
renovations and operations, including professional development, 77401
curriculum development, educational materials, equipment, 77402
marketing, and recruitment. 77403

(O) Of the foregoing appropriation item 336421, Continuum of 77404
Care Services, \$100,000 in fiscal year 2022 shall be distributed 77405
to Applewood Centers, Inc. to be used for information technology 77406
operations related to telehealth and electronic health records. 77407

(P) Of the foregoing appropriation item 336421, Continuum of 77408
Care Services, \$100,000 in each fiscal year shall be distributed 77409
to The Refuge, Inc. for facility improvements. 77410

Section 337.50. CRIMINAL JUSTICE SERVICES 77411

Except as otherwise provided in this act, the foregoing 77412
appropriation item 336422, Criminal Justice Services, shall be 77413
used to provide forensic psychiatric evaluations to courts of 77414
common pleas and to conduct evaluations of patients of forensic 77415
status in facilities operated or designated by the Department of 77416
Mental Health and Addiction Services prior to conditional release 77417
to the community. A portion of this appropriation may be allocated 77418
through boards of alcohol, drug addiction, and mental health 77419
services to community addiction and/or mental health services 77420
providers in accordance with a distribution methodology as 77421
determined by the Director of Mental Health and Addiction 77422
Services. 77423

Of the foregoing appropriation item, 336422, Criminal Justice 77424
Services, up to \$3,000,000 in each fiscal year shall be allocated 77425
to the Psychotropic Drug Reimbursement Program established in 77426
section 5119.19 of the Revised Code. These funds shall only be 77427
allocated to existing programs. 77428

On July 1, 2022, or as soon as possible thereafter, the 77429
Director of Mental Health and Addiction Services shall certify to 77430
the Director of Budget and Management the amount of the 77431
unexpended, unencumbered balance of this earmark in fiscal year 77432
2022. The amount certified is hereby reappropriated to the 77433
appropriation item in fiscal year 2023 for the same purpose. 77434

Of the foregoing appropriation item 336422, Criminal Justice 77435
Services, up to \$2,000,000 in each fiscal year shall be allocated 77436
to the reimbursement program, established in section 5119.191 of 77437
the Revised Code, for drugs used in medication-assisted treatment 77438
or in withdrawal management or detoxification. 77439

The foregoing appropriation item 336422, Criminal Justice 77440
Services, may also be used to: 77441

(A) Provide forensic monitoring and tracking of individuals 77442
on conditional release; 77443

(B) Provide forensic training; 77444

(C) Support projects that assist courts and law enforcement 77445
to identify and develop appropriate alternative services to 77446
incarceration for nonviolent mentally ill offenders; 77447

(D) Provide specialized re-entry services to offenders 77448
leaving prisons and jails; 77449

(E) Provide specific grants in support of addiction services 77450
alternatives to incarceration; 77451

(F) Support therapeutic communities; 77452

(G) Support specialty dockets and expand or create new 77453
certified court programs; 77454

(H) Establish and administer outpatient competency 77455
restoration services. 77456

Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN 77457

SPECIALIZED DOCKET PROGRAMS	77458
(A) As used in this section:	77459
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	77460 77461
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	77462 77463
(3) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	77464 77465 77466 77467 77468 77469 77470
(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	77471 77472
(5) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.	77473 77474
(6) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.	77475 77476 77477
(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected under this section to be participants in a MAT drug court program because of a substance use disorder. The substance use disorder treatment provided under the Department's program may include medication-assisted treatment, services for withdrawal management or detoxification and drugs used in providing those services, and recovery supports.	77478 77479 77480 77481 77482 77483 77484 77485 77486 77487

(2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs. 77488
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(3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program. 77491
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(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located. 77495
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(D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program, or unless the offender is under a community control sanction with the program's participating judge. 77505
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(2) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program. 77516
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(E) The substance use disorder treatment provided under the Department's program in collaboration with a MAT drug court program, including any recovery supports that are provided, shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;

(5) Provide access to drugs that meet the conditions of division (F) of this section and are used for the program's substance use disorder treatment, including the long-acting antagonist therapies, partial agonist therapies, or full agonist therapies that are included in the program's medication-assisted treatment and the alpha-2 agonist therapies that are included in the program's services for withdrawal management or detoxification;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders;

(7) Monitor program compliance through the use of regular

drug testing, including urinalysis, of the program participants 77551
served by the community addiction services provider; 77552

(8) Provide access to time-limited recovery supports that 77553
help eliminate barriers to treatment and are specific to the 77554
participant's needs, including assistance with housing, 77555
transportation, child care, job training, obtaining a driver's 77556
license or state identification card, and any other matter 77557
considered relevant by the provider. 77558

(F) In the case of the drugs used for substance use disorder 77559
treatment provided under the Department's program, all of the 77560
following conditions apply: 77561

(1) A drug may be used only if the drug has been approved by 77562
the United States Food and Drug Administration for use in treating 77563
dependence on opioids, alcohol, or both; in preventing relapse 77564
into the use of opioids, alcohol, or both; or in providing 77565
services for withdrawal management or detoxification. 77566

(2) One or more drugs may be used, but each drug that is used 77567
must constitute either or both of the following: 77568

(a) Long-acting antagonist therapy, partial agonist therapy, 77569
or full agonist therapy; 77570

(b) Alpha-2 agonist therapy for withdrawal management or 77571
detoxification. 77572

(3) If a drug constituting partial or full agonist therapy is 77573
used, the program shall provide safeguards to minimize abuse and 77574
diversion of the drug, including such safeguards as routine drug 77575
testing of program participants. 77576

(G) It is anticipated and expected that MAT drug court 77577
programs will expand their ability to serve more drug court 77578
participants as a result of increased access to commercial or 77579
publicly funded health insurance. In order to ensure that funds 77580

appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for program participants to have access to any drug included in the substance use disorder treatment provided under the Department's program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services and drugs used in providing those services, appropriate psychosocial services, and drugs used in providing long-acting injectable antagonist therapies, partial agonist therapies, and full agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,000,000 in each fiscal year shall be used to support substance use disorder treatment, including medication-assisted treatment, services for withdrawal management

or detoxification and drugs used in providing those services, and 77612
recovery supports for drug court specialized docket programs and 77613
to support the administrative expenses of courts and community 77614
addiction services providers participating in the program. 77615

Section 337.70. RECOVERY HOUSING 77616

The foregoing appropriation item 336424, Recovery Housing, 77617
shall be used to expand and support access to recovery housing as 77618
defined in section 340.01 of the Revised Code and in accordance 77619
with section 340.034 of the Revised Code. For expenditures that 77620
are capital in nature, the Department of Mental Health and 77621
Addiction Services shall develop procedures to administer these 77622
funds in a manner that is consistent with current community 77623
capital assistance guidelines. 77624

Section 337.80. SPECIALIZED DOCKET SUPPORT 77625

(A) The foregoing appropriation item 336425, Specialized 77626
Docket Support, shall be used to defray a portion of the annual 77627
payroll costs associated with the specialized docket of a common 77628
pleas court, municipal court, county court, juvenile court, or 77629
family court that meets all of the eligibility requirements in 77630
division (B) of this section, including a family dependency 77631
treatment docket. The foregoing appropriation item 336425, 77632
Specialized Docket Support, may also be used to defray costs 77633
associated with treatment services and recovery supports for 77634
participants. 77635

(B) To be eligible, the specialized docket must have received 77636
Supreme Court of Ohio initial or final certification and include 77637
participants with behavioral health needs in its target 77638
population. 77639

(C) Of the foregoing appropriation item 336425, Specialized 77640
Docket Support, the Department of Mental Health and Addiction 77641

Services shall use up to one per cent of the funds appropriated in 77642
each fiscal year to pay the cost it incurs in administering the 77643
duties established in this section. 77644

(D) The Department, in consultation with the Supreme Court of 77645
Ohio, may adopt funding distribution methodology, guidelines, and 77646
procedures as necessary to carry out the purposes of this section. 77647

Section 337.90. COMMUNITY INNOVATIONS 77648

The foregoing appropriation item 336504, Community 77649
Innovations, may be used by the Department of Mental Health and 77650
Addiction Services to make targeted investments in programs, 77651
projects, or systems operated by or under the authority of other 77652
state agencies, governmental entities, or private not-for-profit 77653
agencies that impact, or are impacted by, the operations and 77654
functions of the Department, with the goal of achieving a net 77655
reduction in expenditure of state general revenue funds and/or 77656
improved outcomes for Ohio citizens without a net increase in 77657
state general revenue fund spending. 77658

The Director shall identify and evaluate programs, projects, 77659
or systems proposed or operated, in whole or in part, outside of 77660
the authority of the Department, where targeted investment of 77661
these funds in the program, project, or system is expected to 77662
decrease demand for the Department or other resources funded with 77663
state general revenue funds, and/or to measurably improve outcomes 77664
for Ohio citizens with mental illness or with alcohol, drug, or 77665
gambling addictions. The Director shall have discretion to provide 77666
funds from this appropriation item to other state agencies, 77667
governmental entities, or private not-for-profit agencies in 77668
amounts, and subject to conditions, that the Director determines 77669
most likely to achieve state savings and/or improved outcomes. 77670
Distribution of funds from this appropriation item shall not be 77671
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 77672

Code. 77673

The Department shall enter into an agreement with each 77674
recipient of community innovation funds, identifying: allowable 77675
expenditure of the funds; other commitment of funds or other 77676
resources to the program, project, or system; expected state 77677
savings and/or improved outcomes and proposed mechanisms for 77678
measurement of such savings or outcomes; and required reporting 77679
regarding expenditure of funds and savings or outcomes achieved. 77680

Of the foregoing appropriation item 336504, Community 77681
Innovations, up to \$6,000,000 in each fiscal year shall be used 77682
for operating expenses that result in improved quality of life for 77683
adults with severe mental illness living in class two and class 77684
three residential facilities. 77685

Of the foregoing appropriation item 336504, Community 77686
Innovations, up to \$4,000,000 in each fiscal year shall be used to 77687
provide funding for community projects across the state that focus 77688
on support for families, assisting families in avoiding crisis, 77689
and crisis intervention. 77690

Of the foregoing appropriation item 336504, Community 77691
Innovations, up to \$3,500,000 in each fiscal year shall be used to 77692
support workforce development initiatives. 77693

Of the foregoing appropriation item 336504, Community 77694
Innovations, up to \$1,500,000 in each fiscal year shall be used to 77695
improve behavioral health outcomes for racial and ethnic 77696
minorities. 77697

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 77698

(A) The foregoing appropriation item 336510, Residential 77699
State Supplement, may be used by the Department of Mental Health 77700
and Addiction Services to provide training and other supports for 77701
residential facilities providing accommodations, supervision, and 77702

personal care services to three to sixteen unrelated adults with 77703
mental illness and to make payments to residential state 77704
supplement recipients. 77705

(B) The Department of Mental Health and Addiction Services 77706
shall adopt rules establishing eligibility criteria and payment 77707
amounts under section 5119.41 of the Revised Code. 77708

Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 77709
CONSULTATION 77710

The foregoing appropriation item 336511, Early Childhood 77711
Mental Health Counselors and Consultation, shall be used to 77712
promote identification and intervention for early childhood mental 77713
health and to enhance healthy social emotional development in 77714
order to reduce preschool to third grade classroom expulsions. 77715
Funds shall be used by the Department of Mental Health and 77716
Addiction Services to support early childhood mental health 77717
credentialed counselors and consultation services, as well as 77718
administration and workforce development for the program. 77719

Section 337.115. APPALACHIAN CHILDREN COALITION 77720

The foregoing appropriation item 336516, Appalachian Children 77721
Coalition, shall be provided to the Appalachian Children Coalition 77722
to address systemic challenges children face in southeast Ohio. 77723
The coalition shall use the funds as follows: \$600,000 in each 77724
fiscal year shall be used to provide funding for the training, 77725
hiring, and retention of entry-level child mental and behavioral 77726
health workers in school settings, and \$150,000 in each fiscal 77727
year shall be used to enhance child mental health outcomes, 77728
promote implementation of whole-child models of care, and to 77729
expand the mental health workforce in the region. 77730

Section 337.120. MEDICAID SUPPORT 77731

The foregoing appropriation item 652321, Medicaid Support, 77732
shall be used to fund specified Medicaid Services as delegated by 77733
the state's single agency responsible for the Medicaid Program. 77734

Section 337.125. COVID Response - Mental Health 77735

Of the foregoing appropriation item 336513, COVID Response - 77736
Mental Health, \$2,500,000 in each fiscal year shall be distributed 77737
to community behavioral health organizations certified by the 77738
Department of Mental Health and Addiction Services and used to 77739
develop and sustain workforce recruitment and retention 77740
initiatives and to offer supervision support. 77741

Section 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS 77742

(A) The foregoing appropriation item 336600, Substance Abuse 77743
Stabilization Centers, shall be used to establish and administer, 77744
in collaboration with the other boards that serve the same state 77745
psychiatric hospital region, substance use stabilization centers 77746
or, upon approval from the Director of Mental Health and Addiction 77747
Services, boards may use these funds in conjunction with funds 77748
earmarked in division (C) of Section 337.40 of this act to 77749
establish and administer crisis stabilization centers that have 77750
the ability to serve individuals with substance use and/or mental 77751
health needs. There shall be a minimum of one center located in 77752
each state psychiatric hospital region. 77753

(B) Boards of alcohol, drug addiction, and mental health 77754
services shall submit to the Director of Mental Health and 77755
Addiction Services for approval a plan for establishing and 77756
administering crisis stabilization centers pursuant to division 77757
(A) of this section and division (C) of Section 337.40 of this act 77758
that meet the needs of individuals within their service districts. 77759

(C) As used in this section, "state psychiatric hospital 77760
regions" means the six districts into which the Department of 77761

Mental Health and Addiction Services has divided the state 77762
pursuant to division (B)(2) of section 5119.14 of the Revised 77763
Code. 77764

Section 337.140. ADAMHS BOARDS 77765

(A) Of the foregoing appropriation item 336643, ADAMHS 77766
Boards, \$5,000,000 in each fiscal year shall be allocated as 77767
follows: 77768

(1) Each board shall receive \$50,000 in each fiscal year for 77769
each of the counties that are part of the board's district. 77770

(2) Each board shall receive a percentage of any remaining 77771
amount to be determined by a formula developed by the Director of 77772
Mental Health and Addiction Services. 77773

(B) Of the foregoing appropriation item 336643, ADAMHS 77774
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 77775
a continuum of crisis stabilization and crisis prevention services 77776
and supports to allow individuals to be served in the least 77777
restrictive setting. 77778

(C) Boards of alcohol, drug addiction, and mental health 77779
services shall submit for approval by the Director of Mental 77780
Health and Addiction Services a plan for establishing and 77781
administering crisis services in conjunction with the plan 77782
submitted pursuant to division (D) of Section 337.40 and division 77783
(B) of Section 337.130 of this act. 77784

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 77785

A portion of appropriation item 336629, Problem Gambling and 77786
Casino Addiction, shall be allocated to boards of alcohol, drug 77787
addiction, and mental health services in accordance with a 77788
distribution methodology determined by the Director of Mental 77789
Health and Addiction Services. 77790

Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING	77791
POOL	77792
A county family and children first council may establish and	77793
operate a flexible funding pool in order to assure access to	77794
needed services by families, children, and older adults in need of	77795
protective services. The operation of the flexible funding pools	77796
shall be subject to the following restrictions:	77797
(A) The county council shall establish and operate the	77798
flexible funding pool in accordance with formal guidance issued by	77799
the Family and Children First Cabinet Council;	77800
(B) The county council shall produce an annual report on its	77801
use of the pooled funds. The annual report shall conform to a	77802
format prescribed in the formal guidance issued by the Family and	77803
Children First Cabinet Council;	77804
(C) Unless otherwise restricted, funds transferred to the	77805
flexible funding pool may include state general revenues allocated	77806
to local entities to support the provision of services to families	77807
and children;	77808
(D) The amounts transferred to the flexible funding pool	77809
shall be limited to amounts that can be redirected without	77810
impairing the achievement of the objectives for which the initial	77811
allocation is designated; and	77812
(E) Each amount transferred to the flexible funding pool from	77813
a specific allocation shall be approved for transfer by the	77814
director of the local agency that was the original recipient of	77815
the allocation.	77816
Section 337.170. ACCESS SUCCESS II PROGRAM	77817
To the extent cash is available, the Director of Budget and	77818
Management may transfer cash from a fund designated by the	77819

Medicaid Director, to the Sale of Goods and Services Fund (Fund 77820
1490), used by the Department of Mental Health and Addiction 77821
Services. The transferred cash is hereby appropriated. 77822

The Department of Mental Health and Addiction Services shall 77823
use the transferred funds to administer the Access Success II 77824
Program to help non-Medicaid patients in any hospital established, 77825
controlled, or supervised by the Department under Chapter 5119. of 77826
the Revised Code to transition from inpatient status to a 77827
community setting. 77828

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 77829
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 77830
FUND 77831

On a schedule determined by the Director of Budget and 77832
Management, the Director of Mental Health and Addiction Services 77833
shall certify to the Director of Budget and Management the amount 77834
of excess license reinstatement fees that are available pursuant 77835
to division (F)(2)(c) of section 4511.191 of the Revised Code to 77836
be transferred from the Indigent Drivers Alcohol Treatment Fund 77837
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 77838
4750). Upon certification, the Director of Budget and Management 77839
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 77840
to the Statewide Treatment and Prevention Fund. 77841

Section 337.190. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 77842

The foregoing appropriation item 336515, Transcranial 77843
Magnetic Stimulation Program, shall be used for the transcranial 77844
magnetic stimulation program for veterans with substance use 77845
disorders or mental illness as described in section 5902.09 of the 77846
Revised Code. 77847

Section 337.200. The two-year licensing period established by 77848

section 5119.37 of the Revised Code, as amended by this act, does 77849
not affect the scheduled expiration date of an opioid treatment 77850
program license that was issued prior to the effective date of 77851
this section. If the license is renewed, the Department of Mental 77852
Health and Addiction Services shall renew the license for a 77853
two-year period. 77854

Section 337.205. (A) As used in this section: 77855

(1) "Controlled substance" and "schedule II" have the same 77856
meanings as in section 3719.01 of the Revised Code. 77857

(2) "Lockable container" means a container that meets both of 77858
the following requirements: 77859

(a) Has special packaging; 77860

(b) Has a locking mechanism that can be unlocked in any of 77861
the following ways: 77862

(i) Physically by using a key or other object capable of 77863
unlocking a locked container; 77864

(ii) Physically by entering a numeric or alphanumeric 77865
combination code that is selected by the patient or an individual 77866
acting on behalf of the patient; 77867

(iii) Electronically by entering a password or code that is 77868
selected by the patient or an individual acting on behalf of the 77869
patient. 77870

(3) "Special packaging" has the same meaning as in the 77871
"Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 77872

(4) "Tamper-evident container" means a container that meets 77873
both of the following requirements: 77874

(a) Has special packaging; 77875

(b) Displays a visual sign when there is unauthorized entry 77876
into the container or has a numerical display of the time that the 77877

container was last opened. 77878

(5) "Third-party payer" has the same meaning as in section 77879
3901.38 of the Revised Code. 77880

(B)(1) Subject to division (C) of this section, the 77881
Department of Mental Health and Addiction Services shall operate a 77882
two-year pilot program under which all schedule II controlled 77883
substances in solid oral dosage formulations are dispensed by 77884
participating pharmacies in lockable containers or tamper-evident 77885
containers. Under the pilot program, the Department shall 77886
reimburse participating pharmacies for the expenses they incur in 77887
participating in the program, including a fee determined by the 77888
Department for dispensing all schedule II controlled substances in 77889
solid oral dosage formulations in those containers. 77890

(2) The Department shall select the pharmacies to be included 77891
in the pilot program. Any pharmacy may volunteer to participate in 77892
the pilot program by notifying the Department. 77893

(3) In each of the pilot program's participating pharmacies, 77894
all of the following apply: 77895

(a) A pharmacist shall dispense a schedule II controlled 77896
substance in a solid oral dosage formulation in a lockable 77897
container or tamper-evident container unless the patient or an 77898
individual acting on behalf of the patient requests that the drug 77899
not be dispensed in such a container. 77900

(b) The expenses that the pharmacy incurs for the containers 77901
shall not be included in any amount that is to be paid by a 77902
patient, an individual acting on behalf of the patient, or a 77903
third-party payer. 77904

(4) A pharmacist, pharmacist's delegate, or pharmacy is not 77905
liable for damages in any civil action, subject to prosecution in 77906
any criminal proceeding, or subject to professional disciplinary 77907
action for actions taken in good faith in accordance with this 77908

section, including either of the following: 77909

(a) Disclosing information to aid a patient or an individual 77910
acting on the patient's behalf in obtaining entry into a lockable 77911
container or tamper-evident container; 77912

(b) Dispensing a drug in a lockable container or 77913
tamper-evident container that fails to restrict unauthorized 77914
access into the container. 77915

(5) Not later than six months after the pilot program ends, 77916
the Department shall prepare a report describing its findings 77917
regarding the impact of the program. In evaluating the pilot 77918
program's impact, the Department shall contract with a third-party 77919
research organization to assess whether a measured decrease in 77920
diversion of schedule II controlled substances occurred regarding 77921
drugs dispensed through the program as compared with those 77922
dispensed outside of the program. On completion of the report, the 77923
Department shall submit the report to the General Assembly in 77924
accordance with section 101.68 of the Revised Code. 77925

(C) The pilot program shall be operated for two years or 77926
until funds appropriated for the program are expended, whichever 77927
occurs first. 77928

(D) The Department may adopt rules to administer the pilot 77929
program. Any rules shall be adopted in accordance with Chapter 77930
119. of the Revised Code. 77931

(E) Nothing in this section precludes a pharmacy that is not 77932
participating in the pilot program from stocking lockable 77933
containers or tamper-evident containers and offering to have drugs 77934
containing a schedule II controlled substance dispensed in those 77935
containers. 77936

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 77937

General Revenue Fund 77938

GRF	149321	Operating Expenses	\$	733,463	\$	767,026	77939
GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	77940
GRF	149502	Lupus Program	\$	93,120	\$	93,120	77941
GRF	149503	Infant Mortality	\$	3,389,967	\$	3,356,404	77942
		Health Grants					
TOTAL GRF		General Revenue Fund	\$	5,069,156	\$	5,069,156	77943
		Dedicated Purpose Fund Group					77944
4C20	149601	Minority Health	\$	35,000	\$	35,000	77945
		Conference					
TOTAL DPF		Dedicated Purpose Fund	\$	35,000	\$	35,000	77946
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	5,104,156	\$	5,104,156	77947
		Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD					77949
		Dedicated Purpose Fund Group					77950
4K90	865601	Operating Expenses	\$	636,389	\$	636,389	77951
TOTAL DPF		Dedicated Purpose Fund	\$	636,389	\$	636,389	77952
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	636,389	\$	636,389	77953
		Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES					77955
		General Revenue Fund					77956
GRF	725401	Division of	\$	1,595,700	\$	1,595,700	77957
		Wildlife-Operating					
		Subsidy					
GRF	725413	Parks and Recreational	\$	64,000,000	\$	76,500,000	77958
		Facilities Lease					
		Rental Bond Payments					
GRF	725456	Canal Lands	\$	117,855	\$	117,855	77959
GRF	725505	Healthy Lake Erie	\$	900,000	\$	900,000	77960
		Program					
GRF	725507	Coal and Mine Safety	\$	2,800,000	\$	2,900,000	77961

		Programs					
GRF	725903	Natural Resources	\$	20,600,000	\$	23,000,000	77962
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	6,965,023	\$	6,965,023	77963
GRF	729321	Office of Information	\$	181,478	\$	181,478	77964
		Technology					
GRF	730321	Parks and Recreation	\$	39,829,739	\$	39,829,739	77965
GRF	736321	Division of	\$	2,035,650	\$	2,035,650	77966
		Engineering					
GRF	737321	Division of Water	\$	1,692,044	\$	1,692,044	77967
		Resources					
GRF	738321	Office of Real Estate	\$	728,322	\$	728,322	77968
		and Land Management					
GRF	741321	Division of Natural	\$	3,696,134	\$	3,696,134	77969
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	145,141,945	\$	160,141,945	77970
		Dedicated Purpose Fund Group					77971
2270	725406	Parks Projects	\$	2,009,943	\$	2,062,630	77972
		Personnel					
4300	725671	Canal Lands	\$	998,229	\$	1,002,531	77973
4S90	725622	NatureWorks Personnel	\$	341,177	\$	351,329	77974
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	77975
		Protection					
5090	725602	State Forest	\$	8,312,871	\$	8,312,871	77976
5110	725646	Ohio Geological	\$	8,599,989	\$	5,799,989	77977
		Mapping					
5110	725679	Geographic Information	\$	641,719	\$	646,449	77978
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	35,412,070	\$	35,412,070	77979
5140	725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910	77980
5160	725620	Water Management	\$	3,007,006	\$	3,007,006	77981

5180	725643	Oil and Gas Regulation and Safety	\$	28,446,157	\$	29,523,770	77982
5180	725677	Oil and Gas Well Plugging	\$	22,481,036	\$	22,849,836	77983
5210	725627	Off-Road Vehicle Trails	\$	460,000	\$	460,000	77984
5220	725656	Natural Areas and Preserves	\$	1,725,494	\$	1,582,122	77985
5290	725639	Mining Regulation and Safety	\$	4,750,000	\$	4,800,000	77986
5310	725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000	77987
5CV1	725697	Coronavirus Relief DNR COVID Safety		2,500,000	\$	0	77988
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	77989
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	77990
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	77991
5P20	725634	Wildlife Boater Angler Administration	\$	5,000,000	\$	5,000,000	77992
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	77993
6150	725661	Dam Safety	\$	1,166,602	\$	1,266,602	77994
6970	725670	Submerged Lands	\$	717,155	\$	717,155	77995
6H20	725681	H2Ohio	\$	25,000,000	\$	25,000,000	77996
7015	740401	Division of Wildlife Conservation	\$	65,482,330	\$	65,482,330	77997
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	77998
7086	739401	Watercraft Operations	\$	34,527,175	\$	34,007,086	77999
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	78000
8160	725649	Wetlands Habitat	\$	2,366,885	\$	966,885	78001
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	78002

8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	78003
8190	725685	Ohio River Management	\$	150,000	\$	150,000	78004
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	78005
TOTAL DPF Dedicated Purpose Fund Group			\$	273,143,569	\$	267,448,392	78006
Internal Service Activity Fund Group							78007
1550	725601	Departmental Projects	\$	1,800,392	\$	1,625,481	78008
1550	725676	Hocking Hills State Park Lodge	\$	3,000,000	\$	3,000,000	78009
1570	725651	Program Support	\$	21,956,264	\$	22,290,566	78010
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	78011
TOTAL ISA Internal Service Activity Fund Group			\$	26,946,267	\$	27,105,658	78012
Capital Projects Fund Group							78013
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796	78014
TOTAL CPF Capital Projects Fund Group			\$	301,796	\$	301,796	78015
Fiduciary Fund Group							78016
4M80	725675	FOP Contract	\$	20,219	\$	20,219	78017
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	78018
Holding Account Fund Group							78019
R017	725659	Performance Cash Bond Refunds	\$	554,730	\$	554,730	78020
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	78021
TOTAL HLD Holding Account Fund Group			\$	2,954,730	\$	2,954,730	78022
Federal Fund Group							78023

3320	725669	Federal Mine Safety Grant	\$	335,000	\$	335,000	78024
3B30	725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	78025
3B40	725641	Federal Flood Pass-Thru	\$	125,000	\$	125,000	78026
3B50	725645	Federal Abandoned Mine Lands	\$	13,825,000	\$	14,145,000	78027
3B60	725653	Federal Land and Water Conservation Grants	\$	10,800,000	\$	10,800,000	78028
3B70	725654	Reclamation - Regulatory	\$	1,800,000	\$	1,800,000	78029
3P10	725632	Geological Survey - Federal	\$	260,000	\$	260,000	78030
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	78031
3P30	725650	Coastal Management - Federal	\$	2,820,185	\$	2,820,185	78032
3P40	725660	Federal - Soil and Water Resources	\$	251,310	\$	264,746	78033
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	1,000,000	\$	1,000,000	78034
3Z50	725657	Federal Recreation and Trails	\$	3,159,175	\$	3,161,429	78035
TOTAL FED	Federal Fund Group		\$	35,022,670	\$	35,358,360	78036
TOTAL ALL BUDGET	FUND GROUPS		\$	483,531,196	\$	493,331,100	78037

Section 343.20. PROGRAM SUPPORT FUND 78039

The Department of Natural Resources shall use a methodology 78040
for determining each division's payments into the Program Support 78041
Fund (Fund 1570). The methodology used shall contain the 78042
characteristics of administrative ease and uniform application in 78043
compliance with federal grant requirements. It may include direct 78044

cost charges for specific services provided. Payments to Fund 1570 78045
shall be made using an intrastate transfer voucher. 78046

The foregoing appropriation item 725401, Division of 78047
Wildlife-Operating Subsidy, shall be used to pay the direct and 78048
indirect costs of the Division of Wildlife. 78049

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 78050

The foregoing appropriation item 725413, Parks and 78051
Recreational Facilities Lease Rental Bond Payments, shall be used 78052
to meet all payments during the period from July 1, 2021, through 78053
June 30, 2023, by the Department of Natural Resources pursuant to 78054
leases and agreements made under section 154.22 of the Revised 78055
Code. These appropriations are the source of funds pledged for 78056
bond service charges on related obligations issued under Chapter 78057
154. of the Revised Code. 78058

HEALTHY LAKE ERIE PROGRAM 78059

The foregoing appropriation item 725505, Healthy Lake Erie 78060
Program, shall be used by the Director of Natural Resources, in 78061
support of the following: (1) conservation measures in the Western 78062
Lake Erie Basin as determined by the Director; (2) funding 78063
assistance for soil testing, winter cover crops, edge of field 78064
testing, tributary monitoring, animal waste abatement; and (3) any 78065
additional efforts to reduce nutrient runoff as the Director may 78066
decide. The Director shall give priority to recommendations that 78067
encourage farmers to adopt agricultural production guidelines 78068
commonly known as 4R nutrient stewardship practices. 78069

COAL AND MINE SAFETY PROGRAMS 78070

The foregoing appropriation item 725507, Coal and Mine Safety 78071
Programs, shall be used for the administration of the Mine Safety 78072
Program and the Coal Regulation Program. 78073

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 78074

The foregoing appropriation item 725903, Natural Resources 78075
General Obligation Bond Debt Service, shall be used to pay all 78076
debt service and related financing costs during the period July 1, 78077
2021, through June 30, 2023, on obligations issued under sections 78078
151.01 and 151.05 of the Revised Code. 78079

Section 343.30. OIL AND GAS WELL PLUGGING 78080

The foregoing appropriation item 725677, Oil and Gas Well 78081
Plugging, shall be used exclusively for the purposes of plugging 78082
wells and to properly restore the land surface of idle and orphan 78083
oil and gas wells pursuant to section 1509.071 of the Revised 78084
Code. This appropriation item shall not be used for salaries, 78085
maintenance, equipment, or other administrative purposes, except 78086
for those costs directly attributable to the plugging of an idle 78087
or orphan well. In addition, this appropriation item shall not be 78088
used to transfer cash to any other fund or appropriation item. 78089

H2OHIO FUND 78090

On July 1, 2022, or as soon as possible thereafter, the 78091
Director of Natural Resources may certify to the Director of 78092
Budget and Management an amount up to the unexpended, unencumbered 78093
balance of the foregoing appropriation item, 725681, H2Ohio, at 78094
the end of fiscal year 2022 to be reappropriated in fiscal year 78095
2023. Upon Controlling Board approval, the amount certified is 78096
hereby reappropriated to the same appropriation item for fiscal 78097
year 2023. 78098

WELL LOG FILING FEES 78099

The Chief of the Division of Water Resources shall deposit 78100
fees forwarded to the Division pursuant to section 1521.05 of the 78101
Revised Code into the Water Management Fund (Fund 5160) for the 78102
purposes described in that section. 78103

PARKS CAPITAL EXPENSES FUND 78104

The Director of Natural Resources shall submit to the 78105
Director of Budget and Management the estimated design, 78106
engineering, and planning costs of capital-related work to be done 78107
by Department of Natural Resources staff for parks projects within 78108
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 78109
Director of Budget and Management approves the estimated costs, 78110
the Director may release appropriations from Fund 7035 78111
appropriation item C725E6, Project Planning, for those purposes. 78112
Upon release of the appropriations, the Department of Natural 78113
Resources shall pay for these expenses from the Parks Capital 78114
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 78115
reimbursed by Fund 7035 using an intrastate transfer voucher. 78116

NATUREWORKS CAPITAL EXPENSES FUND 78117

The Department of Natural Resources shall submit to the 78118
Director of Budget and Management the estimated design, planning, 78119
and engineering costs of capital-related work to be done by 78120
Department of Natural Resources staff for each capital improvement 78121
project within the Ohio Parks and Natural Resources Fund (Fund 78122
7031). If the Director of Budget and Management approves the 78123
estimated costs, the Director may release appropriations from Fund 78124
7031 appropriation item C725E5, Project Planning, for those 78125
purposes. Upon release of the appropriations, the Department of 78126
Natural Resources shall pay for these expenses from the Capital 78127
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 78128
reimbursed by Fund 7031 using an intrastate transfer voucher. 78129

PARK MAINTENANCE 78130

The foregoing appropriation item 725514, Park Maintenance, 78131
shall be used by the Department of Natural Resources to pay the 78132
costs of projects supported by the State Park Maintenance Fund 78133
(Fund 5TD0) under section 1501.08 of the Revised Code. 78134

On July 1 of each fiscal year or as soon as possible 78135

thereafter, the Director of Natural Resources shall certify the 78136
amount of five percent of the average of the previous five years 78137
of deposits in the State Park Fund (Fund 5120) to the Director of 78138
Budget and Management. The Director of Budget and Management may 78139
transfer up to \$1,600,000 from Fund 5120 to the State Park 78140
Maintenance Fund (Fund 5TD0). 78141

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 78142

The foregoing appropriation item 725405, Clean Ohio Trail 78143
Operating, shall be used by the Department of Natural Resources in 78144
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 78145
to section 1519.05 of the Revised Code. 78146

Section 345.10. NUR STATE BOARD OF NURSING 78147

Dedicated Purpose Fund Group				78148
4K90	884609	Operating Expenses	\$ 11,378,121 \$ 11,689,893	78149
5AC0	884602	Nurse Education Grant	\$ 1,513,000 \$ 1,513,000	78150
Program				
5P80	884601	Nursing Special	\$ 500 \$ 500	78151
Issues				
TOTAL DPF Dedicated Purpose				78152
Fund Group				
			\$ 12,891,621 \$ 13,203,393	78153
TOTAL ALL BUDGET FUND GROUPS				78154
			\$ 12,891,621 \$ 13,203,393	

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 78156
AND ATHLETIC TRAINERS BOARD 78157

Dedicated Purpose Fund Group				78158
4K90	890609	Operating Expenses	\$ 1,168,045 \$ 1,168,045	78159
TOTAL DPF Dedicated Purpose Fund				78160
Group				
TOTAL ALL BUDGET FUND GROUPS				78161
			\$ 1,168,045 \$ 1,168,045	

		Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH				78163	
		DISABILITIES AGENCY				78164	
		General Revenue Fund				78165	
GRF	415402	Independent Living	\$	252,000	\$	252,000	78166
		Council					
GRF	415406	Assistive Technology	\$	25,819	\$	25,819	78167
GRF	415431	Brain Injury	\$	550,000	\$	550,000	78168
GRF	415506	Services for	\$	18,418,244	\$	18,418,244	78169
		Individuals with					
		Disabilities					
GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	78170
GRF	415511	Centers for	\$	450,000	\$	450,000	78171
		Independent Living					
GRF	415512	Visually Impaired	\$	50,000	\$	50,000	78172
		Reading Services					
TOTAL GRF		General Revenue Fund	\$	19,773,643	\$	19,773,643	78173
		Dedicated Purpose Fund Group					78174
4670	415609	Business Enterprise	\$	1,545,498	\$	1,555,368	78175
		Operating Expenses					
4680	415618	Third Party Services	\$	8,000,000	\$	8,000,000	78176
		Funding					
4L10	415619	Services for	\$	3,000,000	\$	3,000,000	78177
		Rehabilitation					
TOTAL DPF		Dedicated Purpose Fund	\$	12,545,498	\$	12,555,368	78178
		Group					
		Internal Service Activity Fund Group					78179
4W50	415606	Program Management	\$	15,865,315	\$	16,138,415	78180
TOTAL ISA		Internal Service Activity	\$	15,865,315	\$	16,138,415	78181
		Fund Group					
		Federal Fund Group					78182
3170	415620	Disability	\$	84,246,693	\$	85,518,074	78183

		Determination				
3790	415616	Federal - Vocational Rehabilitation	\$	129,098,355	\$	130,495,615 78184
3GH0	415602	Personal Care Assistance	\$	3,133,972	\$	3,139,040 78185
3GH0	415604	Community Centers for the Deaf	\$	950,000	\$	950,000 78186
3GH0	415613	Independent Living	\$	737,411	\$	737,411 78187
3L10	415608	Social Security Vocational Rehabilitation	\$	9,100,000	\$	9,100,000 78188
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000 78189
3L40	415617	Independent Living Older Blind	\$	2,545,971	\$	1,733,658 78190
TOTAL FED	Federal Fund Group		\$	230,662,402	\$	232,523,798 78191
TOTAL ALL BUDGET FUND GROUPS			\$	278,846,858	\$	280,991,224 78192

Section 353.20. INDEPENDENT LIVING 78194

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 78195
78196
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Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities. 78200
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78202
78203

The foregoing appropriation item 415511, 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. 78204
78205
78206
78207

ASSISTIVE TECHNOLOGY 78208

The foregoing appropriation item 415406, Assistive
Technology, shall be provided to Assistive Technology of Ohio to
provide grants and assistive technology services for people with
disabilities in the State of Ohio.

BRAIN INJURY 78213

The foregoing appropriation item 415431, Brain Injury, shall
be provided to The Ohio State University College of Medicine to
support the Brain Injury Program established under section 3335.60
of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES 78218

In addition to funding the general vocational rehabilitation
program, the foregoing appropriation item 415506, Services for
Individuals with Disabilities, shall be used as state match to:
continue partnerships with certified drug courts to expand access
to employment through vocational rehabilitation services and
increase employment outcomes that promote recovery and
rehabilitation; continue partnerships with community colleges and
state universities to ensure college students with disabilities
can compete for in-demand jobs in tomorrow's labor market and
increase the median earnings of individuals who obtain employment;
create paid on-the-job work experiences for eligible candidates
placed in state agencies to develop work skills needed to pursue
permanent employment and increase the number of individuals with
disabilities employed in state government; and increase access to
vocational rehabilitation services for eligible students enrolled
at the Ohio State School for the Blind and the Ohio School for the
Deaf that will prepare students who are blind or deaf for
transition to college or employment.

SERVICES FOR THE DEAF 78237

The foregoing appropriation item 415508, Services for the 78238

Deaf, shall be used to support community centers for the deaf. 78239

VISUALLY IMPAIRED READING SERVICES 78240

The foregoing appropriation item 415512, Visually Impaired 78241

Reading Services, shall be used to support VOICEcorps Reading 78242

Services to provide reading services for blind individuals. 78243

SIGHT CENTERS 78244

Of the foregoing appropriation item 415617, Independent 78245

Living Older Blind, \$30,000 in each fiscal year shall be used to 78246

contract in equal amounts with the Cleveland Sight Center, the 78247

Cincinnati Association for the Blind and Visually Impaired, and 78248

the Sight Center of Northwest Ohio to provide independent living 78249

services to the community of individuals with blindness or low 78250

vision. 78251

Section 361.10. PEN PENSION SUBSIDIES 78252

General Revenue Fund 78253

GRF	090524	Police and Fire	\$	1,000	\$	1,000	78254
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Disability Pension
Fund

GRF	090534	Police and Fire Ad	\$	22,000	\$	22,000	78255
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Hoc Cost of Living

GRF	090554	Police and Fire	\$	201,000	\$	201,000	78256
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Survivor Benefits

GRF	090575	Police and Fire Death	\$	35,000,000	\$	35,250,000	78257
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Benefits

TOTAL GRF	General Revenue Fund	\$	35,224,000	\$	35,474,000	78258
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TOTAL ALL BUDGET FUND GROUPS	\$	35,224,000	\$	35,474,000	78259
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Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 78261

The foregoing appropriation item 090575, Police and Fire 78262

Death Benefits, shall be disbursed quarterly by the Treasurer of 78263

State at the beginning of each quarter of each fiscal year to the 78264
Board of Trustees of the Ohio Police and Fire Pension Fund, which 78265
serves as trustees of the Ohio Public Safety Officers Death 78266
Benefit Fund pursuant to section 742.62 of the Revised Code. The 78267
Treasurer of State shall certify such amounts quarterly to the 78268
Director of Budget and Management. By the twentieth day of June of 78269
each fiscal year, the Board of Trustees shall certify to the 78270
Treasurer of State the amount disbursed in the current fiscal year 78271
to make the payments required by sections 124.824 and 742.63 of 78272
the Revised Code and shall return to the Treasurer of State moneys 78273
received from this appropriation item but not disbursed. 78274

Notwithstanding any provision of section 124.824 of the 78275
Revised Code to the contrary, for each death benefit fund 78276
recipient who participates in health, medical, hospital, dental, 78277
surgical, or vision benefits under section 124.824 of the Revised 78278
Code, the Board of Trustees of the Ohio Police and Fire Pension 78279
Fund shall forward as a pass-through from the revenue received 78280
from the foregoing appropriation item 090575, Police and Fire 78281
Death Benefits, the percentage of the cost for the applicable 78282
benefits that would be paid by a state employer for a state 78283
employee who elects that coverage and any applicable 78284
administrative costs, which shall not exceed two per cent of the 78285
total cost of the benefits. The Board of Trustees shall also 78286
withhold from the benefits paid to a death benefit fund recipient 78287
under section 742.63 of the Revised Code the percentage of the 78288
cost for such benefits that would be paid by a state employee, and 78289
forward the withheld amounts to the Department of Administrative 78290
Services from the revenue received from the foregoing 78291
appropriation item 090575, Police and Fire Death Benefits. 78292

In fiscal year 2022 or 2023, if it is determined by the 78293
Director of Administrative Services, in consultation with the 78294
Chairperson of the Board of Trustees of the Ohio Police and Fire 78295

Pension Fund, or designee, that additional amounts are necessary 78296
to pay the cost of providing benefits under section 124.824 or 78297
742.63 of the Revised Code, the Director of Administrative 78298
Services may certify the additional amount necessary to the 78299
Director of Budget and Management. The amount certified is hereby 78300
appropriated. 78301

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK				78302
RELEASE COMPENSATION BOARD				78303
Dedicated Purpose Fund Group				78304
6910 810632	Petroleum Underground	\$ 1,470,292	\$ 1,489,689	78305
	Storage Tank Release			
	Compensation Board -			
	Operating			
TOTAL DPF	Dedicated Purpose Fund	\$ 1,470,292	\$ 1,489,689	78306
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,470,292	\$ 1,489,689	78307

Section 367.10. PRX STATE BOARD OF PHARMACY				78309
Dedicated Purpose Fund Group				78310
4A50 887605	Drug Law Enforcement	\$ 50,000	\$ 50,000	78311
4K90 658605	OARRS Integration -	\$ 265,000	\$ 265,000	78312
	STATE			
4K90 887609	Operating Expenses	\$ 11,750,000	\$ 12,200,000	78313
5SG0 887612	Drug Database	\$ 100,000	\$ 100,000	78314
5SY0 887613	Medical Marijuana	\$ 3,150,000	\$ 3,250,000	78315
	Control Program			
TOTAL DPF	Dedicated Purpose Fund	\$ 15,315,000	\$ 15,865,000	78316
Group				
Federal Fund Group				78317
3HD0 887614	Pharmacy Federal	\$ 1,050,000	\$ 1,050,000	78318
	Grants			

3HH0	658601	OARRS Integration - Federal	\$	2,500,000	\$	2,500,000	78319
3HM0	887615	Equitable Sharing Treasury	\$	5,000	\$	5,000	78320
3HN0	887616	Equitable Sharing Justice	\$	30,000	\$	30,000	78321
TOTAL FED	Federal Fund Group		\$	3,585,000	\$	3,585,000	78322
TOTAL ALL BUDGET FUND GROUPS			\$	18,900,000	\$	19,450,000	78323

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 78325

		Dedicated Purpose Fund Group					78326
4K90	882609	Operating Expenses	\$	679,000	\$	696,000	78327
TOTAL DPF	Dedicated Purpose						78328
Fund Group			\$	679,000	\$	696,000	78329
TOTAL ALL BUDGET FUND GROUPS			\$	679,000	\$	696,000	78330

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 78332

		General Revenue Fund					78333
GRF	019401	State Legal Defense Services	\$	6,344,609	\$	6,519,884	78334
GRF	019403	Multi-County: State Share	\$	4,580,944	\$	4,741,277	78335
GRF	019404	Trumbull County - State Share	\$	1,457,872	\$	1,508,898	78336
GRF	019405	Training Account	\$	50,000	\$	50,000	78337
GRF	019501	County Reimbursement	\$	133,104,000	\$	137,112,000	78338
TOTAL GRF	General Revenue Fund		\$	145,537,425	\$	149,932,059	78339
		Dedicated Purpose Fund Group					78340
1010	019607	Juvenile Legal Assistance	\$	205,000	\$	205,000	78341
4060	019603	Training and Publications	\$	25,000	\$	25,000	78342

4070	019604	County Representation	\$	285,000	\$	285,000	78343
4080	019605	Client Payments	\$	737,389	\$	737,389	78344
4C70	019601	Multi-County: County Share	\$	149,879	\$	272,016	78345
4N90	019613	Gifts and Grants	\$	13,440	\$	13,440	78346
4X70	019610	Trumbull County - County Share	\$	47,699	\$	86,568	78347
5740	019606	Civil Legal Aid	\$	14,500,000	\$	14,500,000	78348
5CX0	019617	Civil Case Filing Fee	\$	542,904	\$	602,904	78349
5DY0	019618	Indigent Defense Support - County Share	\$	25,896,000	\$	27,888,000	78350
5DY0	019619	Indigent Defense Support - State Office	\$	6,684,000	\$	6,684,000	78351
TOTAL DPF		Dedicated Purpose Fund Group	\$	49,086,311	\$	51,299,317	78352
		Federal Fund Group					78353
3S80	019608	Federal Representation	\$	38,315	\$	38,315	78354
TOTAL FED		Federal Fund Group	\$	38,315	\$	38,315	78355
TOTAL ALL BUDGET FUND GROUPS			\$	194,662,051	\$	201,269,691	78356

INSUFFICIENT OPERATING EXPENSES FUNDING 78357

If it is determined by the State Public Defender that the 78358
amounts appropriated to fund the operating expenses of the Public 78359
Defender Commission are insufficient in either fiscal year 2022 or 78360
fiscal year 2023, the Director of Budget and Management, upon 78361
written request of the State Public Defender, may approve for the 78362
applicable fiscal year an appropriation transfer of up to \$100,000 78363
from appropriation item 019501, County Reimbursement, to 78364
appropriation item 019401, State Legal Defense Services, for the 78365
purpose of funding the operating expenses of the Public Defender 78366

Commission.	78367
INDIGENT DEFENSE OFFICE	78368
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.	78369 78370 78371
MULTI-COUNTY OFFICE	78372
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.	78373 78374 78375 78376
TRAINING ACCOUNT	78377
The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.	78378 78379 78380 78381 78382 78383
ADOPTION PROCEEDINGS	78384
Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 019501, County Reimbursement, \$3,000,000 in each fiscal year shall be used to reimburse counties for the costs and expenses of providing legal representation to indigent persons in adoption proceedings.	78385 78386 78387 78388 78389
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND	78390 78391
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies	78392 78393 78394 78395 78396

as follows: \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF	761403	Recovery Ohio Law Enforcement	\$	13,075,000	\$	13,155,000	78411
GRF	763403	EMA Operating	\$	5,878,897	\$	5,868,428	78412
GRF	763512	Ohio Task Force One	\$	250,000	\$	250,000	78413
GRF	763513	Security Grants	\$	4,250,000	\$	4,250,000	78414
GRF	767420	Investigative Unit Operating	\$	14,545,000	\$	14,875,000	78415
GRF	768425	Justice Program Services	\$	13,320,000	\$	13,350,000	78416
GRF	769406	Homeland Security - Operating	\$	3,376,000	\$	3,455,000	78417
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000	78418
GRF	769501	School Safety	\$	2,705,500	\$	2,705,500	78419
TOTAL GRF		General Revenue Fund	\$	57,900,397	\$	58,408,928	78420
		Dedicated Purpose Fund Group					78421

4P60	768601	Justice Program Services	\$	226,500	\$	226,500	78422
4V30	763662	EMA Service and Reimbursements	\$	665,000	\$	590,000	78423
5330	763601	State Disaster Relief	\$	1,875,000	\$	1,875,000	78424
5B90	766632	Private Investigator and Security Guard Provider	\$	2,035,000	\$	2,035,000	78425
5BK0	768687	Criminal Justice Services - Operating	\$	550,000	\$	550,000	78426
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	78427
5CV1	763691	Coronavirus Relief-DPS	\$	29,000,000	\$	0	78428
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	78429
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	78430
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	78431
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	78432
5RS0	768621	Community Police Relations	\$	1,150,000	\$	1,150,000	78433
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	78434
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	78435
6570	763652	Utility Radiological Safety	\$	1,368,624	\$	1,378,304	78436
6810	763653	SARA Title III Hazmat Planning	\$	287,310	\$	287,994	78437

TOTAL DPF Dedicated Purpose Fund Group	\$	45,548,380	\$	16,483,744	78438
Federal Fund Group					78439
3370 763515 COVID Relief - Federal	\$	150,000,000	\$	150,000,000	78440
3370 763609 Federal Disaster Relief	\$	69,948,672	\$	69,948,672	78441
3FP0 767620 Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	78442
3GL0 768619 Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	78443
3GT0 767691 Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	78444
3GU0 769610 Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	78445
3GU0 769631 Homeland Security Disaster Grants	\$	800,000	\$	800,000	78446
3HT0 768699 Coronavirus Emergency Support Funding	\$	5,000,000	\$	850,000	78447
3L50 768604 Justice Program	\$	12,600,000	\$	12,600,000	78448
TOTAL FED Federal Fund Group	\$	252,378,672	\$	248,228,672	78449
TOTAL ALL BUDGET FUND GROUPS	\$	355,827,449	\$	323,121,344	78450

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 78452

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 in fiscal year 2023 may be used to operate and maintain a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces and law enforcement agencies. 78453
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY

Of the foregoing appropriation item 763403, EMA Operating, \$300,000 in fiscal year 2022 shall be distributed to the Lake County Emergency Management Agency to improve wireless and microwave communication for emergency operations.

OHIO TASK FORCE ONE 78491

The foregoing appropriation item 763512, Ohio Task Force One, 78492
shall be distributed to the Ohio Task Force One - Urban Search and 78493
Rescue Unit for the purpose of paying for its operating expenses 78494
and developing new programs. 78495

JUSTICE PROGRAM SERVICES 78496

Of the foregoing appropriation item 768425, Justice Program 78497
Services, up to \$5,000,000 in each fiscal year shall be used by 78498
the Office of Criminal Justice Services to administer and 78499
distribute grants to state and local law enforcement agencies to 78500
implement or enhance body-worn camera programs. 78501

Of the foregoing appropriation item 768425, Justice Program 78502
Services, up to \$4,000,000 in each fiscal year shall be used by 78503
the Office of Criminal Justice Services to administer and 78504
distribute grants to state and local law enforcement agencies to 78505
assist local communities in reducing and preventing crime through 78506
the use of promising or proven crime reduction strategies. The use 78507
of the grants includes, but is not limited to, overtime, 78508
equipment, technical assistance, and analytical support to 78509
implement crime reduction strategies. The disbursement of the 78510
grants requires approval by the Controlling Board. 78511

Of the foregoing appropriation item 768425, Justice Program 78512
Services, up to \$1,000,000 in each fiscal year shall be used by 78513
the Office of Criminal Justice Services to distribute grants to 78514
state and/or local law enforcement to conduct investigations on 78515
sexual assault kit testing results and related expenses. 78516

Of the foregoing appropriation item 768425, Justice Program 78517
Services, up to \$500,000 in each fiscal year shall be used by the 78518
Office of Criminal Justice Services to support state and local law 78519
enforcement agencies in the recruitment, hiring, and training of 78520
qualified individuals to serve as peace officers. 78521

Of the foregoing appropriation item 768425, Justice Program 78522
Services, up to \$200,000 in each fiscal year shall be used by the 78523
Office of Criminal Justice Services to implement recommendations 78524
of the Governor's Warrant Task Force. 78525

YOUTHFUL DRIVER SAFETY 78526

The foregoing appropriation item 769407, Youthful Driver 78527
Safety, shall be used to enhance driver training for a statewide 78528
youthful driver safety program. The program will use best 78529
practices and technology to focus on behind-the-wheel driver 78530
training for drivers aged sixteen to twenty-four in order to 78531
reduce the number of at-fault youthful fatal car crashes. 78532

SCHOOL SAFETY 78533

The foregoing appropriation item 769501, School Safety, shall 78534
be used by the Department of Public Safety for the operations of 78535
the Ohio School Safety Center, including maintaining and promoting 78536
the Safer Ohio Schools Tip Line and assisting local schools and 78537
first responders in preventing, preparing for, and responding to 78538
threats and acts of violence, including self-harm, through a 78539
holistic, solutions-based approach to improving school safety. 78540

LOCAL DISASTER ASSISTANCE 78541

An amount equal to the unexpended, unencumbered balance of 78542
appropriation item 763511, Local Disaster Assistance, at the end 78543
of fiscal year 2021 is hereby reappropriated for the April 17, 78544
2018, and April 8, 2019, Major Disaster Declarations for fiscal 78545
year 2022. 78546

An amount equal to the unexpended, unencumbered balance of 78547
appropriation item 763511, Local Disaster Assistance, at the end 78548
of fiscal year 2022 is hereby reappropriated for the April 17, 78549
2018, and April 8, 2019, Major Disaster Declarations for fiscal 78550
year 2023. 78551

STATE DISASTER RELIEF 78552

On July 1 of each fiscal year, or as soon as possible 78553
thereafter, the Director of Budget and Management may transfer 78554
\$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the 78555
State Disaster Relief Fund (Fund 5330) to be used to pay for 78556
estimated program administrative costs and Emergency Operations 78557
Center activation costs for that fiscal year. 78558

The State Disaster Relief Fund (Fund 5330) may accept 78559
transfers of cash or appropriations from Controlling Board 78560
appropriation items for the Ohio Emergency Management Agency 78561
disaster response costs and disaster program management costs, and 78562
may also be used for the following purposes: 78563

(A) To accept transfers of cash or appropriations from 78564
Controlling Board appropriation items for Ohio Emergency 78565
Management Agency recovery and mitigation program match costs to 78566
reimburse eligible local governments and private nonprofit 78567
organizations for costs related to disasters; 78568

(B) To accept transfers of cash or appropriations from 78569
Controlling Board appropriation items to cover costs incurred and 78570
to reimburse government entities for Emergency Management 78571
Assistance Compact (EMAC) missions; 78572

(C) To accept disaster related reimbursement from federal, 78573
state, and local governments. The Director of Budget and 78574
Management may transfer cash from reimbursements received by this 78575
fund to other funds of the state from which transfers were 78576
originally approved by the Controlling Board. 78577

(D) To accept transfers of cash or appropriations from 78578
Controlling Board appropriation items to fund the State Disaster 78579
Relief Program, for disasters that qualify for the program by 78580
written authorization of the Governor, and the State Individual 78581
Assistance Program for disasters that have been declared by the 78582

federal Small Business Administration and that qualify for the 78583
program by written authorization from the Governor. 78584

(E) The State Disaster Relief Fund (Fund 5330) may accept, 78585
hold, administer, and expend any cash received from a gift, 78586
donation, bequest, devise, or contribution. 78587

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 78588
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 78589

On July 1 of each fiscal year, or as soon as possible 78590
thereafter, the Director of Budget and Management shall transfer 78591
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 78592
Emergency Management Agency Service and Reimbursement Fund (Fund 78593
4V30) to be distributed to the Ohio Task Force One - Urban Search 78594
and Rescue Unit, other similar urban search and rescue units 78595
around the state, and for maintenance of the statewide fire 78596
emergency response plan by an entity recognized by the Ohio 78597
Emergency Management Agency. 78598

DRUG LAW ENFORCEMENT FUND 78599

Notwithstanding division (D) of section 5502.68 of the 78600
Revised Code, in each of fiscal years 2022 and 2023, the 78601
cumulative amount of funding provided to any single drug task 78602
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 78603
exceed \$500,000 in any calendar year. 78604

COMMUNITY POLICE RELATIONS 78605

The foregoing appropriation item 768621, Community Police 78606
Relations, shall be used to implement key recommendations of the 78607
Ohio Task Force on Community-Police Relations, including a 78608
database on use of force and officer involved shootings, a public 78609
awareness campaign, and state-provided assistance with 78610
policy-making and manuals. 78611

SARA TITLE III HAZMAT PLANNING 78612

The SARA Title III Hazmat Planning Fund (Fund 6810) is 78613
entitled to receive grant funds from the Emergency Response 78614
Commission to implement the Emergency Management Agency's 78615
responsibilities under Chapter 3750. of the Revised Code. 78616

SECURITY GRANTS 78617

(A) The foregoing appropriation item 763513, Security Grants, 78618
shall be used to make competitive grants of up to \$100,000 to 78619
nonprofit organizations, houses of worship, chartered nonpublic 78620
schools, and licensed preschools for eligible security 78621
improvements that assist the organization in preventing, preparing 78622
for, or responding to acts of terrorism, to acquire or retain the 78623
services of a resource officer, special duty police officer, or 78624
licensed armed security guards, or for the purchase of qualified 78625
equipment, including equipment for emergency and crisis 78626
communication, crisis management, or trauma and crisis response to 78627
assist in preventing, preparing for, or responding to acts of 78628
terrorism. 78629

The Emergency Management Agency shall allow for a portion of 78630
the funds granted to acquire or retain the services of a resource 78631
officer, special duty police officer, or licensed armed security 78632
guard to be used for training, licensing, or certification of such 78633
as resource officers. 78634

(B) The Emergency Management Agency shall administer and 78635
award the grants described in division (A) of this section. The 78636
Agency shall establish procedures and forms by which applicants 78637
may apply for a grant, a competitive process for ranking 78638
applicants and awarding the grants, and procedures for 78639
distributing grants to recipients. The procedures shall require 78640
each applicant to do all of the following: 78641

(1) Identify and substantiate prior threats or attacks by a 78642
terrorist organization, network, or cell against the nonprofit 78643

organization, house of worship, chartered nonpublic school, or 78644
licensed preschool; 78645

(2) Indicate the symbolic or strategic value of one or more 78646
sites that renders the site a possible target of terrorism; 78647

(3) Discuss potential consequences to the organization if the 78648
site is damaged, destroyed, or disrupted by a terrorist; 78649

(4) Describe how the grant will be used to integrate 78650
organizational preparedness with broader state and local 78651
preparedness efforts; 78652

(5) Submit either a vulnerability assessment conducted by 78653
experienced security, law enforcement, or military personnel, or a 78654
credible intelligence and threat analysis from one or more 78655
qualified homeland security, counterintelligence, or 78656
anti-terrorism experts, and a description of how the grant will be 78657
used to address the vulnerabilities identified in the assessment. 78658

The Agency shall consider all of the above factors in 78659
evaluating grant applications. The grantee shall have twenty-four 78660
months from the date of the first disbursement to meet program 78661
requirements. 78662

The Emergency Management Agency may prioritize a portion of 78663
funding, but not more than \$1,000,000 in each fiscal year, for 78664
innovative community-public safety partnerships addressing 78665
counterterrorism prevention, provided the grantee is eligible to 78666
receive the grant as a nonprofit organization that is at risk of 78667
terror attack. 78668

(C) Any grant submission described in division (I) of section 78669
3313.536 of the Revised Code or section 149.433 of the Revised 78670
Code is not a public record under section 149.43 of the Revised 78671
Code and is not subject to mandatory release or disclosure under 78672
that section. 78673

(D) The Emergency Management Agency may use up to two and 78674
one-half per cent of the total amount appropriated to administer 78675
the program, a portion of which may be used to pay costs incurred 78676
by the Department of Public Safety to provide security-related or 78677
specialized assistance in reviewing vulnerability assessments and 78678
prioritizing grant applications. 78679

(E) As used in this section: 78680

(1) "Eligible security improvements" means any of the 78681
following: 78682

(a) Physical security enhancement equipment or inspection and 78683
screening equipment included on the Authorized Equipment List 78684
published by the United States Department of Homeland Security; 78685

(b) Attendance fees and associated materials, supplies, and 78686
equipment costs for security-related training courses and programs 78687
regarding the protection of critical infrastructure and key 78688
resources, physical and cyber security, target hardening, or 78689
terrorism awareness or preparedness. Personnel and travel costs 78690
associated with training shall not be considered an eligible 78691
expense of the grant; 78692

(c) The purchase, upgrade, or maintenance of high-speed 78693
internet for those utilizing it for security purposes. 78694

(2) "Nonprofit organization" means a corporation, 78695
association, group, institution, society, or other organization 78696
that is exempt from federal income taxation under section 78697
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 78698
26 U.S.C. 501(c)(3), as amended. 78699

(3) "Resource officer" means any law enforcement officer of 78700
an accredited local law enforcement agency providing special duty 78701
services in a school setting to create or maintain a safe, secure, 78702
and orderly environment. A resource officer may include a special 78703
duty police officer, off-duty police officer, deputy sheriff, or 78704

other peace officer of the applicable local law enforcement agency 78705
in which the chartered nonpublic school or licensed preschool is 78706
located or qualifying personnel of an accredited local law 78707
enforcement agency for any jurisdiction in this state. 78708

(4) "Terrorism" means any act taken by a group or individual 78709
used to intimidate or coerce a nonprofit organization, house of 78710
worship, chartered nonpublic school, or licensed preschool, its 78711
employees, and anyone who is or in the future may be associated 78712
with it, as well as their families; to influence the policy of the 78713
nonprofit organization, house of worship, chartered nonpublic 78714
school, or licensed preschool; and to affect the conduct of the 78715
nonprofit organization, house of worship, chartered nonpublic 78716
school, or licensed preschool. 78717

(F) Effective July 1, 2021, the Director of Budget and 78718
Management shall cancel any existing encumbrances against 78719
appropriation item 763514, Security Grants - Personnel, and 78720
reestablish them against appropriation item 763513, Security 78721
Grants. The reestablished encumbrance amounts are hereby 78722
appropriated. 78723

(G) An amount equal to the unexpended, unencumbered balance 78724
of the foregoing appropriation item 763513, Security Grants, at 78725
the end of fiscal year 2021 is hereby reappropriated for the same 78726
purpose in fiscal year 2022. 78727

(H) An amount equal to the unexpended, unencumbered balance 78728
of the foregoing appropriation item 763513, Security Grants, at 78729
the end of fiscal year 2022 is hereby reappropriated for the same 78730
purpose in fiscal year 2023. 78731

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 78732

Dedicated Purpose Fund Group 78733

4A30 870614 Grade Crossing \$ 2,200,000 \$ 2,200,000 78734

		Protection				
		Devices-State				
4L80	870617	Pipeline Safety-State	\$	346,253	\$	346,253 78735
5610	870606	Power Siting Board	\$	1,205,185	\$	1,205,185 78736
5F60	870622	Utility and Railroad	\$	36,615,760	\$	36,615,760 78737
		Regulation				
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000 78738
5LT0	870640	Intrastate	\$	195,000	\$	195,000 78739
		Registration				
5LT0	870641	Unified Carrier	\$	450,000	\$	450,000 78740
		Registration				
5LT0	870643	Non-hazardous	\$	299,942	\$	299,942 78741
		Materials Civil				
		Forfeiture				
5LT0	870644	Hazardous Materials	\$	1,165,000	\$	1,165,000 78742
		Civil Forfeiture				
5LT0	870645	Motor Carrier	\$	4,919,696	\$	4,919,696 78743
		Enforcement				
5Q50	870626	Telecommunications	\$	3,000,000	\$	3,000,000 78744
		Relay Service				
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000 78745
		Protection				
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000 78746
		Administration				
TOTAL	DPF	Dedicated Purpose Fund	\$	50,847,836	\$	50,847,836 78747
		Group				
		Federal Fund Group				78748
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959 78749
3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069 78750
3500	870648	Motor Carrier	\$	450,000	\$	450,000 78751
		Administration High				
		Priority Activities				
		Grants and				

		Cooperative				
		Agreements				
3V30	870604	Commercial Vehicle	\$	21,000	\$	0 78752
		Information				
		Systems/Networks				
TOTAL FED	Federal Fund Group		\$	11,951,028	\$	11,930,028 78753
TOTAL ALL BUDGET FUND GROUPS			\$	62,798,864	\$	62,777,864 78754

Section 377.10. PWC PUBLIC WORKS COMMISSION 78756

		General Revenue Fund				78757
GRF	150904	Conservation General	\$	50,500,000	\$	53,500,000 78758
		Obligation Bond Debt				
		Service				
GRF	150907	Infrastructure	\$	246,500,000	\$	237,000,000 78759
		Improvement General				
		Obligation Bond Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$	297,000,000	\$	290,500,000 78760
		Capital Projects Fund Group				78761
7038	150321	State Capital	\$	937,244	\$	946,036 78762
		Improvements Program				
		- Operating Expenses				
7056	150403	Clean Ohio	\$	304,822	\$	307,922 78763
		Conservation				
		Operating				
TOTAL CPF	Capital Projects Fund		\$	1,242,066	\$	1,253,958 78764
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	298,242,066	\$	291,753,958 78765

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 78767

SERVICE 78768

The foregoing appropriation item 150904, Conservation General 78769

Obligation Bond Debt Service, shall be used to pay all debt 78770
service and related financing costs during the period from July 1, 78771
2021, through June 30, 2023, on obligations issued under sections 78772
151.01 and 151.09 of the Revised Code. 78773

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 78774
SERVICE 78775

The foregoing appropriation item 150907, Infrastructure 78776
Improvement General Obligation Bond Debt Service, shall be used to 78777
pay all debt service and related financing costs during the period 78778
from July 1, 2021, through June 30, 2023, on obligations issued 78779
under sections 151.01 and 151.08 of the Revised Code. 78780

CLEAN OHIO CONSERVATION OPERATING 78781

The foregoing appropriation item 150403, Clean Ohio 78782
Conservation Operating, shall be used by the Ohio Public Works 78783
Commission in administering Clean Ohio Conservation Fund (Fund 78784
7056) projects pursuant to sections 164.20 to 164.27 of the 78785
Revised Code. 78786

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 78787

The foregoing appropriation item 150321, State Capital 78788
Improvements Program - Operating Expenses, shall be used by the 78789
Ohio Public Works Commission to administer the State Capital 78790
Improvement Program under sections 164.01 to 164.16 of the Revised 78791
Code. 78792

DISTRICT ADMINISTRATION COSTS 78793

The Director of the Public Works Commission is authorized to 78794
create a District Administration Costs Program from proceeds of 78795
the Capital Improvements Fund and Local Transportation Improvement 78796
Program Fund. The program shall be used to provide for the direct 78797
costs of district administration of the nineteen public works 78798
districts. Districts choosing to participate in the program shall 78799

only expend State Capital Improvements Fund moneys for State 78800
Capital Improvements Fund costs and Local Transportation 78801
Improvement Program Fund moneys for Local Transportation 78802
Improvement Program Fund costs. The District Administration Costs 78803
Program account shall not exceed \$1,235,000 per fiscal year. Each 78804
public works district may be eligible for up to \$65,000 per fiscal 78805
year from its district allocation as provided in sections 164.08 78806
and 164.14 of the Revised Code. 78807

The Director, by rule, shall define allowable and 78808
non-allowable costs for the purpose of the District Administration 78809
Costs Program. Non-allowable costs include indirect costs, elected 78810
official salaries and benefits, and project-specific costs. No 78811
district public works committee may participate in the District 78812
Administration Costs Program without the approval of those costs 78813
by the district public works committee under section 164.04 of the 78814
Revised Code. 78815

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 78816

The Director of the Public Works Commission is authorized to 78817
create a District Administration Costs Program for districts 78818
represented by natural resource assistance councils. This program 78819
shall be funded from proceeds of the Clean Ohio Conservation Fund. 78820
The program shall be used by natural resource assistance councils 78821
in order to provide for administration costs of the nineteen 78822
natural resource assistance councils for the direct costs of 78823
council administration. Councils choosing to participate in this 78824
program may be eligible for up to \$15,000 per fiscal year from its 78825
district allocation as provided in section 164.27 of the Revised 78826
Code. 78827

The Director shall define allowable and non-allowable costs 78828
for the purpose of the District Administration Costs Program. 78829
Non-allowable costs include indirect costs, elected official 78830
salaries and benefits, and project-specific costs. 78831

Section 379.10. RAC STATE RACING COMMISSION				78832
Dedicated Purpose Fund Group				78833
5620	875601	Thoroughbred Development	\$ 1,200,000 \$	1,200,000 78834
5630	875602	Standardbred Development	\$ 1,550,000 \$	1,550,000 78835
5650	875604	Racing Commission Operating	\$ 4,070,948 \$	4,070,948 78836
5JK0	875610	Horse Racing Development-Casino	\$ 8,512,095 \$	8,512,095 78837
5NL0	875611	Revenue Redistribution	\$ 8,200,000 \$	8,200,000 78838
TOTAL DPF Dedicated Purpose Fund Group				\$ 23,533,043 \$ 23,533,043 78839
Fiduciary Fund Group				78840
5C40	875607	Simulcast Horse Racing Purse	\$ 7,000,000 \$	7,000,000 78841
TOTAL FID Fiduciary Fund Group				\$ 7,000,000 \$ 7,000,000 78842
Holding Account Fund Group				78843
R021	875605	Bond Reimbursements	\$ 100,000 \$	100,000 78844
TOTAL HLD Holding Account Fund Group				\$ 100,000 \$ 100,000 78845
TOTAL ALL BUDGET FUND GROUPS				\$ 30,633,043 \$ 30,633,043 78846
Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				78848
General Revenue Fund				78849
GRF	235321	Operating Expenses	\$ 5,742,147 \$	5,914,411 78850
GRF	235402	Sea Grants	\$ 299,250 \$	299,250 78851
GRF	235406	Articulation and Transfer	\$ 1,818,947 \$	1,873,515 78852
GRF	235408	Midwest Higher	\$ 116,725 \$	118,476 78853

	Education Compact				
GRF 235414	Grants and Scholarship Administration	\$ 850,729	\$ 876,251	78854	
GRF 235417	Technology Maintenance and Operations	\$ 3,530,641	\$ 3,636,561	78855	
GRF 235428	Appalachian New Economy Workforce Partnership	\$ 2,728,000	\$ 2,728,000	78856	
GRF 235438	Choose Ohio First Scholarship	\$ 22,500,000	\$ 25,500,000	78857	
GRF 235443	Adult Basic and Literacy Education - State	\$ 7,083,344	\$ 7,083,344	78858	
GRF 235444	Ohio Technical Centers	\$ 21,310,120	\$ 21,810,120	78859	
GRF 235474	Area Health Education Centers Program Support	\$ 838,342	\$ 873,000	78860	
GRF 235492	Campus Safety and Training	\$ 612,000	\$ 630,360	78861	
GRF 235493	Shawnee State University Autism Spectrum Disorder Student Support Program	\$ 125,000	\$ 125,000	78862	
GRF 235501	State Share of Instruction	\$ 2,056,678,116	\$ 2,075,761,402	78863	
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$ 14,000,000	\$ 15,500,000	78864	
GRF 235507	OhioLINK	\$ 5,654,164	\$ 5,752,427	78865	
GRF 235508	Air Force Institute of Technology	\$ 1,724,219	\$ 1,763,387	78866	

GRF 235510	Ohio Supercomputer Center	\$	4,294,160	\$	4,422,984	78867
GRF 235511	The Ohio State University Extension Service	\$	23,952,913	\$	24,354,677	78868
GRF 235514	Central State Supplement	\$	11,551,202	\$	11,685,515	78869
GRF 235515	Case Western Reserve University School of Medicine	\$	1,957,994	\$	2,038,940	78870
GRF 235519	Family Practice	\$	2,888,463	\$	3,007,876	78871
GRF 235520	Shawnee State Supplement	\$	4,636,500	\$	5,409,250	78872
GRF 235525	Geriatric Medicine	\$	476,350	\$	496,043	78873
GRF 235526	Primary Care Residencies	\$	1,368,428	\$	1,425,000	78874
GRF 235533	Program and Project Support	\$	325,000	\$	325,000	78875
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,895,612	\$	35,493,396	78876
GRF 235536	The Ohio State University Clinical Teaching	\$	8,820,830	\$	9,185,494	78877
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,895,012	\$	8,334,944	78878
GRF 235538	University of Toledo Clinical Teaching	\$	5,654,890	\$	5,888,670	78879
GRF 235539	Wright State University Clinical Teaching	\$	2,747,255	\$	2,860,830	78880
GRF 235540	Ohio University	\$	2,655,855	\$	2,765,651	78881

	Clinical Teaching				
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,731,544	\$	2,844,469 78882
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	450,000	\$	500,000 78883
GRF 235546	Central State Agricultural Research and Development	\$	3,782,130	\$	3,782,130 78884
GRF 235548	Central State Cooperative Extension Services	\$	3,744,568	\$	3,744,568 78885
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491 78886
GRF 235555	Library Depositories	\$	1,310,702	\$	1,326,762 78887
GRF 235556	Ohio Academic Resources Network	\$	2,915,605	\$	2,978,512 78888
GRF 235558	Long-term Care Research	\$	296,767	\$	309,035 78889
GRF 235563	Ohio College Opportunity Grant	\$	102,756,352	\$	108,500,000 78890
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	4,000,000	\$	5,000,000 78891
GRF 235572	The Ohio State University Clinic Support	\$	699,296	\$	728,206 78892
GRF 235578	Federal Research Network	\$	4,950,000	\$	4,950,000 78893
GRF 235591	Co-Op Internship Program	\$	1,375,000	\$	1,375,000 78894

GRF 235595	Commercial Truck Driver Student Aid Program	\$ 2,500,000	\$ 2,500,000	78895
GRF 235598	Rural University Program	\$ 400,000	\$ 400,000	78896
GRF 235599	National Guard Scholarship Program	\$ 19,000,000	\$ 19,000,000	78897
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 331,000,000	\$ 301,000,000	78898
TOTAL GRF General Revenue Fund		\$ 2,743,228,663	\$ 2,748,462,947	78899
Dedicated Purpose Fund Group				78900
2200 235614	Program Approval and Reauthorization	\$ 800,485	\$ 825,000	78901
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	78902
4E80 235602	Higher Educational Facility Commission Administration	\$ 63,000	\$ 65,000	78903
5D40 235675	Conference/Special Purposes	\$ 1,000,000	\$ 1,000,000	78904
5FR0 235650	State and Non-Federal Grants and Award	\$ 1,402,150	\$ 1,402,150	78905
5P30 235663	Variable Savings Plan	\$ 8,049,501	\$ 8,159,165	78906
6450 235664	Guaranteed Savings Plan	\$ 1,035,116	\$ 1,047,209	78907
6820 235606	Nursing Loan Program	\$ 1,116,842	\$ 1,116,842	78908
TOTAL DPF Dedicated Purpose Fund Group		\$ 13,666,344	\$ 13,814,616	78909
Bond Research and Development Fund Group				78910
7011 235634	Research Incentive Third Frontier	\$ 5,000,000	\$ 5,000,000	78911
7014 235639	Research Incentive	\$ 3,000,000	\$ 3,000,000	78912

Third Frontier - Tax				
TOTAL BRD Bond Research and		\$	8,000,000	\$ 8,000,000 78913
Development Fund Group				
Federal Fund Group				78914
3120 235577	Education, Research,	\$	25,691	\$ 25,691 78915
	Development, and			
	Dissemination			
3120 235611	Gear-up Grant	\$	2,000,000	\$ 2,000,000 78916
3120 235612	Carl D. Perkins	\$	1,350,000	\$ 1,350,000 78917
	Grant/Plan			
	Administration			
3120 235641	Adult Basic and	\$	17,600,000	\$ 17,600,000 78918
	Literacy Education -			
	Federal			
3BG0 235651	Gear Up Grant	\$	1,750,000	\$ 1,750,000 78919
	Scholarships			
3HQ0 235509	GEER - Higher	\$	16,190,000	\$ 0 78920
	Education Initiatives			
3N60 235658	John R. Justice	\$	70,000	\$ 70,000 78921
	Student Loan			
	Repayment Program			
TOTAL FED Federal Fund Group		\$	38,985,691	\$ 22,795,691 78922
TOTAL ALL BUDGET FUND GROUPS		\$	2,803,880,698	\$ 2,793,073,254 78923

Section 381.20. SEA GRANTS 78925

The foregoing appropriation item 235402, Sea Grants, shall be 78926
used to match federal dollars and leverage additional support by 78927
The Ohio State University's Sea Grant program, including Stone 78928
Laboratory, for research, education, and outreach to enhance the 78929
economic value, public utilization, and responsible management of 78930
Lake Erie and Ohio's coastal resources. 78931

Section 381.30. ARTICULATION AND TRANSFER 78932

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 78942

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 78946

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 78956

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education.

The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). Funds may also be used by the Chancellor for strategic initiatives not related to technology to address higher education needs in the state.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other strategic priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, \$150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support services to former foster youth attending college.

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and

Commercialization Center. 78993

The remainder of the foregoing appropriation item 235428, 78994
Appalachian New Economy Workforce Partnership, shall be 78995
distributed to Ohio University to continue a multi-campus and 78996
multi-agency coordinated effort to link Appalachia to the new 78997
economy. Ohio University shall use these funds to provide 78998
leadership in the development and implementation of initiatives in 78999
the areas of entrepreneurship, management, education, and 79000
technology. 79001

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 79002

The foregoing appropriation item 235438, Choose Ohio First 79003
Scholarship, shall be used to operate the program prescribed in 79004
sections 3333.60 to 3333.69 of the Revised Code. 79005

During each fiscal year, the Chancellor of Higher Education, 79006
as soon as possible after cancellation, may certify to the 79007
Director of Budget and Management the amount of canceled 79008
prior-year encumbrances in appropriation item 235438, Choose Ohio 79009
First Scholarship. Upon receipt of the certification, the Director 79010
of Budget and Management may transfer cash, up to the certified 79011
amount, from the General Revenue Fund to the Choose Ohio First 79012
Scholarship Reserve Fund (Fund 5PV0). 79013

Section 381.90. ASPIRE 79014

The foregoing appropriation item 235443, Adult Basic and 79015
Literacy Education - State, shall be used to support the Aspire 79016
program. The supported programs shall satisfy the state match and 79017
maintenance of effort requirements for the state-administered 79018
grant program. 79019

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 79020

The foregoing appropriation item 235444, Ohio Technical 79021

Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the

total full-time equivalent students who complete a post-secondary 79053
technical workforce training program approved by the Chancellor 79054
with a grade of C or better or a grade of pass if the program is 79055
evaluated on a pass/fail basis. 79056

(3) In each fiscal year, 20 per cent of the allocation for 79057
Ohio Technical Centers shall be distributed based on the 79058
proportion of each Center's full-time equivalent students to the 79059
total full-time equivalent students who complete 50 per cent of a 79060
program of study as a measure of student retention. 79061

(4) In each fiscal year, 50 per cent of the allocation for 79062
Ohio Technical Centers shall be distributed based on the 79063
proportion of each Center's full-time equivalent students to the 79064
total full-time equivalent students who have found employment, 79065
entered military service, or enrolled in additional post-secondary 79066
education and training in accordance with the placement 79067
definitions of the Strengthening Career and Technical Education 79068
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 79069
calculation for eligible full-time equivalent students shall be 79070
based on the per cent of Perkins placements for students who have 79071
completed at least 50 per cent of a program of study. 79072

(5) In each fiscal year, five per cent of the allocation for 79073
Ohio Technical Centers shall be distributed based on the 79074
proportion of each Center's full-time equivalent students to the 79075
total full-time equivalent students who have earned a credential 79076
from an industry-recognized third party. 79077

(B) Of the foregoing appropriation item 235444, Ohio 79078
Technical Centers, up to 2.38 per cent in each fiscal year may be 79079
distributed by the Chancellor to the Ohio Central School System, 79080
up to \$48,000 in each fiscal year may be utilized for assistance 79081
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 79082
year may be distributed by the Chancellor to Ohio Technical 79083
Centers that provide customized training and business consultation 79084

services with matching local dollars, with preference to 79085
industries on the in-demand jobs list created under section 79086
6301.11 of the Revised Code, industries in regionally emerging 79087
fields, or local businesses and industries. Each center meeting 79088
this requirement shall receive at least \$25,000 but not more than 79089
a maximum amount determined by the Chancellor. 79090

(C) The remainder of the foregoing appropriation item 235444, 79091
Ohio Technical Centers, in each fiscal year shall be distributed 79092
in accordance with division (A) of this section. 79093

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 79094
CENTERS 79095

(1) In each fiscal year, no Ohio Technical Center shall 79096
receive performance funding calculated under division (A) of this 79097
section, excluding funding for third party credentials calculated 79098
under division (A)(5) of this section, that is less than 50 per 79099
cent of the average allocation the Center received, excluding 79100
funding for third party credentials, in the three prior fiscal 79101
years. 79102

(2) In order to ensure that no Center receives less than the 79103
amounts identified for each fiscal year in accordance with 79104
division (D)(1) of this section, funds shall be made available to 79105
support the phase-in allocation by proportionally reducing formula 79106
earnings from each Center not receiving phase-in funding. 79107

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 79108
SUPPORT 79109

The foregoing appropriation item 235474, Area Health 79110
Education Centers Program Support, shall be used by the Chancellor 79111
of Higher Education to support the medical school regional area 79112
health education centers' educational programs for the continued 79113
support of medical and other health professions education and for 79114

support of the Area Health Education Center Program. 79115

Section 381.120. CAMPUS SAFETY AND TRAINING 79116

The foregoing appropriation item 235492, Campus Safety and 79117
Training, shall be used by the Chancellor of Higher Education for 79118
the purpose of developing model best practices for preventing and 79119
responding to power and gender-based violence on campus. The 79120
Chancellor, in consultation with state institutions of higher 79121
education as defined in section 3345.011 of the Revised Code and 79122
private nonprofit institutions of higher education holding 79123
certificates of authorization under Chapter 1713. of the Revised 79124
Code, shall continue to develop model best practices in line with 79125
emerging trends, research, and evidence-based training for 79126
preventing and responding to power and gender-based violence and 79127
protecting students and staff who are victims of power and 79128
gender-based violence on campus. The Chancellor shall convene 79129
state institutions of higher education and private nonprofit 79130
institutions of higher education in the training and 79131
implementation of best practices regarding campus power and 79132
gender-based violence. 79133

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 79134

The Chancellor of Higher Education shall establish procedures 79135
to allocate the foregoing appropriation item 235501, State Share 79136
of Instruction, based on the formulas detailed in this section 79137
that utilize the enrollment, course completion, degree attainment, 79138
and student achievement factors reported annually by each state 79139
institution of higher education participating in the Higher 79140
Education Information (HEI) system. 79141

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 79142
COMPLETIONS 79143

(1) As soon as possible during each fiscal year of the 79144

biennium ending June 30, 2023, in accordance with instructions of 79145
the Department of Higher Education, each state institution of 79146
higher education shall report its actual data, consistent with the 79147
definitions in the Higher Education Information (HEI) system's 79148
enrollment files, to the Chancellor of Higher Education. 79149

(2) In defining the number of full-time equivalent students 79150
for state subsidy instructional cost purposes, the Chancellor 79151
shall exclude all undergraduate students who are not residents of 79152
Ohio or who do not meet the definition of residency for state 79153
subsidy and tuition surcharge purposes, except those charged 79154
in-state fees in accordance with reciprocity agreements made under 79155
section 3333.17 of the Revised Code or employer contracts entered 79156
into under section 3333.32 of the Revised Code. 79157

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 79158

For purposes of calculating state share of instruction 79159
allocations, the total instructional costs per full-time 79160
equivalent student shall be: 79161

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	\$9,482	\$9,663	79162
ARTS AND HUMANITIES 2	\$13,675	\$13,936	79163
ARTS AND HUMANITIES 3	\$16,402	\$16,715	79164
ARTS AND HUMANITIES 4	\$24,051	\$24,511	79165
ARTS AND HUMANITIES 5	\$42,322	\$43,131	79166
ARTS AND HUMANITIES 6	\$40,174	\$40,942	79167
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342	79168
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943	79169
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944	79170
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878	79171

BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077	79173
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507	79174
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,053	\$36,742	79175
DOCTORAL 1	\$49,062	\$50,000	79176
DOCTORAL 2	\$53,655	\$54,681	79177
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251	79178
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,912	\$12,139	79179
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,624	\$13,884	79180
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,737	\$16,038	79181
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,380	\$19,750	79182
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,044	\$21,446	79183
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$25,629	\$26,119	79184
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$40,444	\$41,217	79185
SCIENCE, TECHNOLOGY,	\$54,427	\$55,467	79186

ENGINEERING, MATHEMATICS,
 MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 79187
 accordance with division (D)(2) of this section. 79188

Medical I and Medical II models shall be allocated in 79189
 accordance with divisions (D)(3) and (D)(4) of this section. 79190

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 79191
 AND GRADUATE WEIGHTS 79192

For the purpose of implementing the recommendations of the 79193
 2006 State Share of Instruction Consultation and the Higher 79194
 Education Funding Study Council that priority be given to 79195
 maintaining state support for science, technology, engineering, 79196
 mathematics, medicine, and graduate programs, the costs in 79197
 division (B) of this section shall be weighted by the amounts 79198
 provided below: 79199

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	1.0000	1.0000	79200
ARTS AND HUMANITIES 2	1.0000	1.0000	79201
ARTS AND HUMANITIES 3	1.0000	1.0000	79202
ARTS AND HUMANITIES 4	1.0000	1.0000	79203
ARTS AND HUMANITIES 5	1.0425	1.0425	79204
ARTS AND HUMANITIES 6	1.0425	1.0425	79205
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	79206
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	79207
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	79208
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	79209
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	79210
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	79211

BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	79212
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	79213
DOCTORAL 1	1.0000	1.0000	79214
DOCTORAL 2	1.0000	1.0000	79215
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	79216
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	79217
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	79218
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	79219
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	79220
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	79221
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	79222
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	79223
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	79224

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 79225
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 79226

(1) Of the foregoing appropriation item 235501, State Share 79227
of Instruction, 50 per cent of the appropriation for universities, 79228
as established in division (A)(2) of the section of this act 79229
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 79230
2023," in each fiscal year shall be reserved for support of 79231
associate, baccalaureate, master's, and professional level degree 79232
attainment. 79233

The degree attainment funding shall be allocated to 79234
universities in proportion to each campus's share of the total 79235
statewide degrees granted, weighted by the cost of the degree 79236
programs. The degree cost calculations shall include the model 79237
cost weights for the science, technology, engineering, 79238
mathematics, and medicine models as established in division (C) of 79239
this section. 79240

For degrees including credits earned at multiple 79241
institutions, degree attainment funding shall be allocated to 79242
universities in proportion to each campus's share of the 79243
student-specific cost of earned credits for the degree. Each 79244
institution shall receive its prorated share of degree funding for 79245
credits earned at that institution. Cost of credits not earned at 79246
a university main or regional campus shall be credited to the 79247
degree-granting institution for the first degree earned by a 79248
student at each degree level. The cost credited to the 79249
degree-granting institution shall not be eligible for at-risk 79250
weights and shall be limited to 12.5 per cent of the 79251
student-specific degree costs. However, the 12.5 per cent 79252
limitation shall not apply if the student transferred 12 or fewer 79253
credits into the degree granting institution. 79254

In calculating the subsidy entitlements for degree attainment 79255
for universities, the Chancellor shall use the following count of 79256

degrees and degree costs: 79257

(a) The subsidy eligible undergraduate degrees shall be 79258
defined as follows: 79259

(i) The subsidy eligible degrees conferred to students 79260
identified as residents of the state of Ohio in any term of their 79261
studies, as reported through the Higher Education Information 79262
(HEI) system student enrollment file, shall be weighted by a 79263
factor of 1. 79264

(ii) The subsidy eligible degrees conferred to students 79265
identified as out-of-state residents during all terms of their 79266
studies, as reported through the Higher Education Information 79267
(HEI) system student enrollment file, who remain in the state of 79268
Ohio at least one year after graduation, as calculated based on 79269
the three-year average in-state residency rate using the 79270
Unemployment Wage data for out-of-state graduates at each 79271
institution, shall be weighted by a factor of 50 per cent. 79272

(iii) Subsidy eligible associate degrees are defined as those 79273
earned by students attending any state-supported university main 79274
or regional campus. 79275

(b) In calculating each campus's count of degrees, the 79276
Chancellor shall use the three-year average associate, 79277
baccalaureate, master's, and professional degrees awarded for the 79278
most recent completed three-year period that is practicable as 79279
agreed to by the Inter-University Council and the Chancellor. 79280

(i) If a student is awarded an associate degree and, 79281
subsequently, is awarded a baccalaureate degree, the amount funded 79282
for the baccalaureate degree shall be limited to either the 79283
difference in cost between the cost of the baccalaureate degree 79284
and the cost of the associate degree paid previously, or if the 79285
associate degree has a higher cost than the baccalaureate degree, 79286
the cost of the credits earned by the student after the associate 79287

degree was awarded. 79288

(ii) If a student earns an associate degree then, 79289
subsequently, earns a baccalaureate degree, the associate degree 79290
granting institution shall only receive the prorated share of the 79291
baccalaureate degree funding for the credits earned at that 79292
institution after the associate degree is awarded. 79293

(iii) If a student earns more than one degree at the same 79294
institution at the same degree level in the same fiscal year, the 79295
funding for the highest cost degree shall be prorated among 79296
institutions based on where the credits were earned and additional 79297
degrees shall be funded at 25 per cent of the cost of the degrees. 79298

(c) Associate degrees and baccalaureate degrees earned by a 79299
student defined as at-risk based on academic underpreparation, 79300
age, minority status, financial status, or first generation 79301
post-secondary status based on neither parent completing any 79302
education beyond high school, shall be defined as degrees earned 79303
by an at-risk student and shall be weighted by the following: 79304

A student-specific degree completion weight, where the weight 79305
is calculated based on the at-risk factors of the individual 79306
student, determined by calculating the difference between the 79307
percentage of students with each risk factor who earned a degree 79308
and the percentage of non-at-risk students who earned a degree. 79309

(2) Of the foregoing appropriation item 235501, State Share 79310
of Instruction, up to 11.78 per cent of the appropriation for 79311
universities, as established in division (A)(2) of the section of 79312
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79313
2022 AND 2023," in each fiscal year shall be reserved for support 79314
of doctoral programs to implement the funding recommendations made 79315
by representatives of the universities. The amount so reserved 79316
shall be referred to as the doctoral set-aside. 79317

In each fiscal year, the doctoral set-aside funding 79318

allocation shall be allocated to universities as follows: 79319

(a) 25 per cent of the doctoral set-aside shall be allocated 79320
to universities in proportion to their share of the statewide 79321
total earnings of each state institution's three-year average 79322
course completions. The subsidy eligible enrollments by model 79323
shall equal only those FTE students who successfully complete the 79324
course as defined and reported through the Higher Education 79325
Information (HEI) system course enrollment file. Course completion 79326
earnings shall be determined by multiplying the amounts listed 79327
above in divisions (B) and (C) of this section by the 79328
subsidy-eligible FTEs for the most recent completed three-year 79329
period that is practicable as agreed to by the Inter-University 79330
Council and the Chancellor for all doctoral enrollments in 79331
graduate-level models. 79332

(b) 50 per cent of the doctoral set-aside shall be allocated 79333
to universities in proportion to each campus's share of the total 79334
statewide doctoral degrees, weighted by the cost of the doctoral 79335
discipline. In calculating each campus's doctoral degrees the 79336
Chancellor shall use the three-year average doctoral degrees 79337
awarded for the most recent completed three-year period that is 79338
practicable as agreed to by the Inter-University Council and the 79339
Chancellor. 79340

(c) 25 per cent of the doctoral set-aside shall be allocated 79341
to universities in proportion to their share of research grant 79342
activity. Funding for this component shall be allocated to 79343
eligible universities in proportion to their share of research 79344
grant activity published by the National Science Foundation. Grant 79345
awards from the Department of Health and Human Services shall be 79346
weighted at 50 per cent. 79347

(3) Of the foregoing appropriation item 235501, State Share 79348
of Instruction, 6.41 per cent of the appropriation for 79349
universities, as established in division (A)(2) of the section of 79350

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section,

that are defined as at-risk based on academic under-preparation or 79382
financial status shall have their eligible completions weighted by 79383
the following: 79384

(i) Institution-specific course completion indexes, where the 79385
indexes are calculated based upon the number of at-risk students 79386
enrolled during the 2018-2020 academic years; and 79387

(ii) A statewide average at-risk course completion weight 79388
determined for each subsidy model. The statewide average at-risk 79389
course completion weight shall be determined by calculating the 79390
difference between the percentage of traditional students who 79391
complete a course and the percentage of at-risk students who 79392
complete the same course. 79393

(c) The course completion earnings shall be determined by 79394
multiplying the amounts listed above in divisions (B) and (C) of 79395
this section by the subsidy-eligible FTEs for the most recent 79396
completed three-year period that is practicable as agreed to by 79397
the Inter-University Council and the Chancellor for all models 79398
except Medical I and Medical II. 79399

(d) For universities, the Chancellor shall compute the course 79400
completion earnings by dividing the appropriation for 79401
universities, established in division (A)(2) of the section of 79402
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79403
2022 AND 2023," less the degree attainment funding as calculated 79404
in division (D)(1) of this section, less the doctoral set-aside, 79405
less the medical I set-aside, and less the medical II set-aside, 79406
by the sum of all campuses' instructional costs as calculated in 79407
division (D)(5) of this section. 79408

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 79409
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 79410

(1) Of the foregoing appropriation item 235501, State Share 79411
of Instruction, 50 per cent of the appropriation for 79412

state-supported community colleges, state community colleges, and 79413
technical colleges as established in division (A)(1) of the 79414
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 79415
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 79416
for course completion FTEs as aggregated by the subsidy models 79417
defined in division (B) of this section. 79418

The course completion funding shall be allocated to campuses 79419
in proportion to each campus's share of the total sector's course 79420
completions, weighted by the instructional cost of the subsidy 79421
models. 79422

To calculate the subsidy entitlements for course completions 79423
at community colleges, state community colleges, and technical 79424
colleges, the Chancellor shall use the following calculations: 79425

(a) In calculating each campus's count of FTE course 79426
completions, the Chancellor shall use a three-year average for 79427
course completions for the three year period ending in the prior 79428
year for students identified as residents of the state of Ohio in 79429
any term of their studies, as reported through the Higher 79430
Education Information (HEI) system student enrollment file. 79431

(b) The subsidy eligible enrollments by model shall equal 79432
only those FTE students who successfully complete the course as 79433
defined and reported through the Higher Education Information 79434
(HEI) system course enrollment file. 79435

(c) Those students with successful course completions, that 79436
are defined as access students based on financial status, minority 79437
status, age, or academic under-preparation shall have their 79438
eligible course completions weighted by a statewide access weight. 79439
The weight given to any student that meets any access factor shall 79440
be 15 per cent for all course completions. 79441

(d) The model costs as used in the calculation shall be 79442
augmented by the model weights for science, technology, 79443

engineering, mathematics, and medicine models as established in 79444
division (C) of this section. 79445

(2) Of the foregoing appropriation item 235501, State Share 79446
of Instruction, 25 per cent of the appropriation for 79447
state-supported community colleges, state community colleges, and 79448
technical colleges as established in division (A)(1) of the 79449
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 79450
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 79451
for colleges in proportion to their share of college student 79452
success factors. 79453

Student success factors shall be awarded at the institutional 79454
level for each subsidy-eligible student that successfully: 79455

(a) Completes a college-level math course within the first 30 79456
hours of completed coursework. 79457

(b) Completes a college-level English course within the first 79458
30 hours of completed coursework. 79459

(c) Completes 12 semester credit hours of college-level 79460
coursework. 79461

(d) Completes 24 semester credit hours of college-level 79462
coursework. 79463

(e) Completes 36 semester credit hours of college-level 79464
coursework. 79465

(3) Of the foregoing appropriation item 235501, State Share 79466
of Instruction, 25 per cent of the appropriation for 79467
state-supported community colleges, state community colleges, and 79468
technical colleges as established in division (A)(1) of the 79469
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 79470
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 79471
for completion milestones. 79472

Completion milestones shall include associate degrees, 79473

technical certificates over 30 credit hours as designated by the 79474
Department of Higher Education, and students transferring to any 79475
four-year institution with at least 12 credit hours of 79476
college-level coursework earned at that community college, state 79477
community college, or technical college. 79478

The completion milestone funding shall be allocated to 79479
colleges in proportion to each institution's share of the sector's 79480
total completion milestones, weighted by the instructional cost of 79481
the associate degree, certificate, or transfer models. Costs for 79482
technical certificates over 30 hours shall be weighted at one-half 79483
of the associate degree model costs and transfers with at least 12 79484
credit hours of college-level coursework shall be weighted at 79485
one-fourth of the average cost for all associate degree model 79486
costs. 79487

(4) To calculate the subsidy entitlements for completions at 79488
community colleges, state community colleges, and technical 79489
colleges, the Chancellor shall use the following calculations: 79490

(a) In calculating each campus's count of completions, the 79491
Chancellor shall use a three-year average for completion 79492
milestones awarded to students identified as subsidy eligible in 79493
any term of their studies, as reported through the Higher 79494
Education Information (HEI) system student enrollment file. 79495

(b) The subsidy eligible completion milestones by model shall 79496
equal only those students who successfully complete an associate 79497
degree or technical certificate over 30 credit hours, or transfer 79498
to any four-year institution with at least 12 credit hours of 79499
college-level coursework as defined and reported in the Higher 79500
Education Information (HEI) system. Student completions reported 79501
in HEI shall have an accompanying course enrollment record in 79502
order to be subsidy eligible. 79503

(c) Those students with successful completions for associate 79504

degrees, technical certificates over 30 credit hours, or transfer 79505
to any four-year institution with at least 12 credit hours of 79506
college-level coursework, identified in division (E)(3) of this 79507
section, that are defined as access students based on financial 79508
status, minority status, age, or academic under-preparation shall 79509
have their eligible completions weighted by a statewide access 79510
weight. The weight shall be 25 per cent for students with one 79511
access factor, 66 per cent for students with two access factors, 79512
150 per cent for students with three access factors, and 200 per 79513
cent for students with four access factors. 79514

(d) For those students who complete more than one completion 79515
milestone, funding for each additional associate degree or 79516
technical certificate over 30 credit hours designated as such by 79517
the Department of Higher Education shall be funded at 50 per cent 79518
of the model costs as defined in division (E)(3) of this section. 79519

(5) For purposes of the calculations made in division (E) of 79520
this section, the Chancellor shall only include subsidy-eligible 79521
students identified as residents of the state of Ohio in any term 79522
of their studies, as reported through the Higher Education 79523
Information (HEI) system student enrollment file. The Chancellor 79524
shall be prohibited from including nonresident students as 79525
subsidy-eligible except for those students otherwise identified as 79526
subsidy-eligible in division (A)(2) of this section. 79527

(F) CAPITAL COMPONENT DEDUCTION 79528

After all other adjustments have been made, state share of 79529
instruction earnings shall be reduced for each campus by the 79530
amount, if any, by which debt service charged in H.B. 16 of the 79531
126th General Assembly, H.B. 699 of the 126th General Assembly, 79532
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 79533
General Assembly for that campus exceeds that campus's capital 79534
component earnings. The sum of the amounts deducted shall be 79535
transferred to appropriation item 235552, Capital Component, in 79536

each fiscal year. 79537

(G) EXCEPTIONAL CIRCUMSTANCES 79538

Adjustments may be made to the state share of instruction 79539
payments and other subsidies distributed by the Chancellor of 79540
Higher Education to state colleges and universities for 79541
exceptional circumstances. No adjustments for exceptional 79542
circumstances may be made without the recommendation of the 79543
Chancellor and the approval of the Controlling Board. 79544

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 79545
INSTRUCTION 79546

The standard provisions of the state share of instruction 79547
calculation as described in the preceding sections of temporary 79548
law shall apply to any reductions made to appropriation item 79549
235501, State Share of Instruction, before the Chancellor has 79550
formally approved the final allocation of the state share of 79551
instruction funds for any fiscal year. 79552

Any reductions made to appropriation item 235501, State Share 79553
of Instruction, after the Chancellor has formally approved the 79554
final allocation of the state share of instruction funds for any 79555
fiscal year, shall be uniformly applied to each campus in 79556
proportion to its share of the final allocation. 79557

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 79558

The state share of instruction payments to the institutions 79559
shall be in substantially equal monthly amounts during the fiscal 79560
year, unless otherwise determined by the Director of Budget and 79561
Management pursuant to section 126.09 of the Revised Code. 79562
Payments during the first six months of the fiscal year may be 79563
based upon the state share of instruction appropriation estimates 79564
made for the various institutions of higher education and payments 79565
during the last six months of the fiscal year may be based on the 79566
final data from the Chancellor. If agreed to by the Chancellor and 79567

the Inter-University Council, payments to universities in each 79568
month of a fiscal year shall be based on final data in the higher 79569
education information system for the selected three-year period 79570
that is acceptable to both parties. 79571

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 79572
INSTRUCTION FORMULAS 79573

The Chancellor of Higher Education, with the assistance of 79574
the Inter-University Council and the Ohio Association of Community 79575
Colleges, shall study the most appropriate definitions of at-risk 79576
students and formula weights for at-risk students that may be used 79577
in the distribution to universities and community colleges from 79578
the foregoing appropriation item 235501, State Share of 79579
Instruction, beginning in fiscal year 2024. The study shall do all 79580
of the following: 79581

(1) Examine and evaluate the impact on formula distributions 79582
of the at-risk weights that have been used in the state share of 79583
instruction formulas since the inception of a performance-based 79584
funding model in Ohio, including the overall level of at-risk 79585
funding, the distribution of such funding among the state 79586
institutions of higher education, and the impact of such funding 79587
on institutional outcomes such as course completion and degree or 79588
certificate completion; 79589

(2) Research the use of at-risk weights in the funding 79590
formulas of other states; 79591

(3) Survey the academic research on at-risk weights in higher 79592
education allocation formulas, particularly in the context of 79593
performance-based funding; 79594

(4) Make recommendations on the definitions of at-risk 79595
students, the funding formula weights for such identified 79596
students, and the level of funding for at-risk students. The 79597
recommendations should have as their objectives fairness, 79598

simplicity, transparency, and the provision of sufficient 79599
incentives to increase the course completion and degree completion 79600
of at-risk students in state institutions of higher education. 79601
Separate definitions and weighting schemes may be considered 79602
within each sector's share of the foregoing appropriation item 79603
235501, State Share of Instruction. 79604

The study shall be completed by June 30, 2022. 79605

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79606
2022 AND 2023 79607

(A) The foregoing appropriation item 235501, State Share of 79608
Instruction, shall be distributed according to the section of this 79609
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 79610

(1) Of the foregoing appropriation item 235501, State Share 79611
of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 79612
in fiscal year 2023 shall be distributed to state-supported 79613
community colleges, state community colleges, and technical 79614
colleges. 79615

(2) Of the foregoing appropriation item 235501, State Share 79616
of Instruction, \$1,582,613,811 in fiscal year 2022 and 79617
\$1,597,298,400 in fiscal year 2023 shall be distributed to 79618
state-supported university main and regional campuses. 79619

(B) Any increases in the amount distributed to an institution 79620
from appropriation item 235501, State Share of Instruction, above 79621
the prior year may be used by the institution to provide 79622
need-based aid and to provide counseling, support services, and 79623
workforce preparation services to students. 79624

Section 381.160. RESTRICTION ON FEE INCREASES 79625

(A) In fiscal years 2022 and 2023, the boards of trustees of 79626
state institutions of higher education shall restrain increases in 79627

in-state undergraduate instructional and general fees. 79628

(1) For the 2021-2022 and 2022-2023 academic years, all of 79629
the following shall apply: 79630

(a) Each state university or college, as defined in section 79631
3345.12 of the Revised Code and university branch established 79632
under Chapter 3355. of the Revised Code shall not increase its 79633
in-state undergraduate instructional and general fees by more than 79634
two per cent over what the institution charged for the previous 79635
academic year. 79636

(b) Each community college established under Chapter 3354., 79637
state community college established under Chapter 3358., or 79638
technical college established under Chapter 3357. of the Revised 79639
Code may increase its in-state undergraduate instructional and 79640
general fees by not more than five dollars per credit hour over 79641
what the institution charged for the previous academic year. 79642

(c) For state institutions of higher education, as defined in 79643
section 3345.011 of the Revised Code, increases for all other 79644
special fees, including the creation of new special fees, shall be 79645
subject to the approval of the Chancellor of Higher Education. 79646

(2) The limitations under division (A)(1) of this section do 79647
not apply to room and board, student health insurance, fees for 79648
auxiliary goods or services provided to students at the cost 79649
incurred to the institution, fees assessed to students as a 79650
pass-through for licensure and certification examinations, fees in 79651
elective courses associated with travel experiences, elective 79652
service charges, fines, voluntary sales transactions, and fees, 79653
which may appear directly on a student's tuition bill as assessed 79654
by the institution's bursar, to offset the cost of providing 79655
textbooks to students. 79656

(B) The limitations under this section shall not apply to 79657
increases required to comply with institutional covenants related 79658

to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition guarantee pursuant to section 3345.48 of the Revised Code may increase instructional and general fees pursuant to that section.

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges,

and fines as required; such special purpose fees and service 79690
charges shall be for services or benefits furnished individual 79691
students or specific categories of students and shall not be 79692
applied uniformly to all enrolled students. A tuition surcharge 79693
shall be paid by all students who are not residents of Ohio. 79694

The board of trustees of a state institution of higher 79695
education shall not authorize a waiver or nonpayment of 79696
instructional fees or general fees for any particular student or 79697
any class of students other than waivers specifically authorized 79698
by law or approved by the Chancellor. This prohibition is not 79699
intended to limit the authority of boards of trustees to provide 79700
for payments to students for services rendered the institution, 79701
nor to prohibit the budgeting of income for staff benefits or for 79702
student assistance in the form of payment of such instructional 79703
and general fees. 79704

Each state institution of higher education in its statement 79705
of charges to students shall separately identify the instructional 79706
fee, the general fee, the tuition charge, and the tuition 79707
surcharge. Fee charges to students for instruction shall not be 79708
considered to be a price of service but shall be considered to be 79709
an integral part of the state government financing program in 79710
support of higher educational opportunity for students. 79711

(C) The boards of trustees of state institutions of higher 79712
education shall ensure that faculty members devote a proper and 79713
judicious part of their work week to the actual instruction of 79714
students. Total class credit hours of production per academic term 79715
per full-time faculty member is expected to meet the standards set 79716
forth in the budget data submitted by the Chancellor of Higher 79717
Education. 79718

(D) The authority of government vested by law in the boards 79719
of trustees of state institutions of higher education shall in 79720
fact be exercised by those boards. Boards of trustees may consult 79721

extensively with appropriate student and faculty groups. 79722
Administrative decisions about the utilization of available 79723
resources, about organizational structure, about disciplinary 79724
procedure, about the operation and staffing of all auxiliary 79725
facilities, and about administrative personnel shall be the 79726
exclusive prerogative of boards of trustees. Any delegation of 79727
authority by a board of trustees in other areas of responsibility 79728
shall be accompanied by appropriate standards of guidance 79729
concerning expected objectives in the exercise of such delegated 79730
authority and shall be accompanied by periodic review of the 79731
exercise of this delegated authority to the end that the public 79732
interest, in contrast to any institutional or special interest, 79733
shall be served. 79734

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 79735
CHILDREN SCHOLARSHIPS 79736

The foregoing appropriation item 235504, War Orphans and 79737
Severely Disabled Veterans' Children Scholarships, shall be used 79738
to reimburse state institutions of higher education for waivers of 79739
instructional fees and general fees provided by them, to provide 79740
grants to institutions that have received a certificate of 79741
authorization from the Chancellor of Higher Education under 79742
Chapter 1713. of the Revised Code, in accordance with the 79743
provisions of section 5910.04 of the Revised Code, and to fund 79744
additional scholarship benefits provided by section 5910.032 of 79745
the Revised Code. 79746

During each fiscal year, the Chancellor, as soon as possible 79747
after cancellation, may certify to the Director of Budget and 79748
Management the amount of canceled prior-year encumbrances in 79749
appropriation item 235504, War Orphans and Severely Disabled 79750
Veterans' Children Scholarships. Upon receipt of the 79751
certification, the Director of Budget and Management may transfer 79752

cash, up to the certified amount, from the General Revenue Fund to 79753
the War Orphans and Severely Disabled Veterans' Children 79754
Scholarship Reserve Fund (Fund 5PW0). 79755

Section 381.200. OHIOLINK 79756

The foregoing appropriation item 235507, OhioLINK, shall be 79757
used by the Chancellor of Higher Education to support OhioLINK, a 79758
consortium organized under division (T) of section 3333.04 of the 79759
Revised Code to serve as the state's electronic library 79760
information and retrieval system, which provides access statewide 79761
to an extensive set of electronic databases and resources, the 79762
library holdings of Ohio's public and participating private 79763
nonprofit colleges and universities, and the State Library of 79764
Ohio. 79765

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 79766

Of the foregoing appropriation item 235508, Air Force 79767
Institute of Technology, \$75,000 in each fiscal year shall be 79768
allocated to the Aerospace Professional Development Center in 79769
Dayton for statewide workforce development services in the 79770
aerospace industry. 79771

The remainder of the foregoing appropriation item 235508, Air 79772
Force Institute of Technology, shall be used to: (A) strengthen 79773
the research and educational linkages between the Wright Patterson 79774
Air Force Base and institutions of higher education in Ohio; and 79775
(B) support the Defense Associated Graduate Student Innovators, an 79776
engineering graduate consortium of Wright State University, the 79777
University of Dayton, and the Air Force Institute of Technology, 79778
with the participation of the University of Cincinnati and The 79779
Ohio State University. 79780

Section 381.220. OHIO SUPERCOMPUTER CENTER 79781

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 79795

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.240. CENTRAL STATE SUPPLEMENT 79801

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 79808
79809

The foregoing appropriation item 235515, Case Western Reserve 79810

University School of Medicine, shall be disbursed to Case Western 79811
Reserve University through the Chancellor of Higher Education in 79812
accordance with agreements entered into under section 3333.10 of 79813
the Revised Code, provided that the state support per full-time 79814
medical student shall not exceed that provided to full-time 79815
medical students at state universities. 79816

Section 381.260. FAMILY PRACTICE 79817

The foregoing appropriation item 235519, Family Practice, 79818
shall be distributed in each fiscal year, based on each medical 79819
school's share of residents placed in a family practice and 79820
graduates practicing in a family practice. 79821

Section 381.270. SHAWNEE STATE SUPPLEMENT 79822

The foregoing appropriation item 235520, Shawnee State 79823
Supplement, shall be disbursed by the Chancellor of Higher 79824
Education to Shawnee State University. Funds shall be used in a 79825
manner consistent with the goals of improving course completion, 79826
increasing the number of degrees conferred, and furthering the 79827
university's mission of service to the Appalachian region. 79828

Section 381.280. GERIATRIC MEDICINE 79829

The Chancellor of Higher Education shall distribute 79830
appropriation item 235525, Geriatric Medicine, consistent with 79831
existing criteria and guidelines. 79832

Section 381.285. PRIMARY CARE RESIDENCIES 79833

The foregoing appropriation item 235526, Primary Care 79834
Residencies, shall be distributed in each fiscal year, based on 79835
each medical school's share of residents placed in a primary care 79836
field and graduates practicing in a primary care field. 79837

Section 381.287. PROGRAM AND PROJECT SUPPORT 79838

Of the foregoing appropriation item 235533, Program and 79839
Project Support, \$125,000 in each fiscal year shall be used by the 79840
Chancellor of Higher Education to support the expansion of an 79841
unmanned aviation STEM pilot program at Emmanuel Christian Academy 79842
for public and nonpublic high school students in Clark County. 79843

Of the foregoing appropriation item 235533, Program and 79844
Project Support, \$100,000 in each fiscal year shall be allocated 79845
to support the Kent State University Rising Scholars Program. 79846

Of the foregoing appropriation item 235533, Program and 79847
Project Support, \$100,000 in each fiscal year shall be used to 79848
support the Clearance Ready Program at Wright State University. 79849

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 79850
CENTER 79851

The foregoing appropriation item 235535, Ohio Agricultural 79852
Research and Development Center, shall be disbursed through the 79853
Chancellor of Higher Education to The Ohio State University in 79854
monthly payments, unless otherwise determined by the Director of 79855
Budget and Management under section 126.09 of the Revised Code. 79856

The Ohio Agricultural Research and Development Center, an 79857
entity of the College of Food, Agricultural, and Environmental 79858
Sciences of The Ohio State University, shall further its mission 79859
of enhancing Ohio's economic development and job creation by 79860
continuing to internally allocate on a competitive basis 79861
appropriated funding of programs based on demonstrated 79862
performance. Academic units, faculty, and faculty-driven programs 79863
shall be evaluated and rewarded consistent with agreed-upon 79864
performance expectations as called for in the College's 79865
Expectations and Criteria for Performance Assessment. 79866

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 79867

The foregoing appropriation items 235536, The Ohio State 79868
University Clinical Teaching; 235537, University of Cincinnati 79869
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 79870
235539, Wright State University Clinical Teaching; 235540, Ohio 79871
University Clinical Teaching; and 235541, Northeast Ohio Medical 79872
University Clinical Teaching, shall be distributed through the 79873
Chancellor of Higher Education. 79874

Of the foregoing appropriation item 235537, University of 79875
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 79876
be provided to People Working Cooperatively for the Safe and 79877
Healthy at Home Initiative. The funds shall be used to make 79878
critical home modifications and emergency repairs for low-income 79879
and elderly homeowners and for health care and housing 79880
partnerships to address chronic housing related health care 79881
issues. 79882

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 79883
DEVELOPMENT 79884

The foregoing appropriation item 235546, Central State 79885
Agricultural Research and Development, shall be used in 79886
conjunction with appropriation item 235548, Central State 79887
Cooperative Extension Services, by Central State University for 79888
its state match requirement as an 1890 land grant university. 79889

Section 381.320. CAPITAL COMPONENT 79890

The foregoing appropriation item 235552, Capital Component, 79891
shall be used by the Chancellor of Higher Education to provide 79892
funding for prior commitments made pursuant to the state's former 79893
capital funding policy for state colleges and universities that 79894
was originally established in H.B. 748 of the 121st General 79895

Assembly. Appropriations from this item shall be distributed to 79896
all campuses for which the estimated campus debt service 79897
attributable to qualifying capital projects was less than the 79898
campus's formula-determined capital component allocation. Campus 79899
allocations shall be determined by subtracting the estimated 79900
campus debt service attributable to qualifying capital projects 79901
from the campus's formula-determined capital component allocation. 79902
Moneys distributed from this appropriation item shall be 79903
restricted to capital-related purposes. 79904

Any campus for which the estimated campus debt service 79905
attributable to qualifying capital projects is greater than the 79906
campus's formula-determined capital component allocation shall 79907
have the difference subtracted from its State Share of Instruction 79908
allocation in each fiscal year. Appropriation equal to the sum of 79909
all such amounts shall be transferred from appropriation item 79910
235501, State Share of Instruction, to appropriation item 235552, 79911
Capital Component. 79912

Section 381.330. LIBRARY DEPOSITORIES 79913

The foregoing appropriation item 235555, Library 79914
Depositories, shall be distributed to the state's five regional 79915
depository libraries for the cost-effective storage of and access 79916
to lesser-used materials in university library collections. The 79917
depositories shall be administrated by the Chancellor of Higher 79918
Education, or by OhioLINK at the discretion of the Chancellor. 79919

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 79920

The foregoing appropriation item 235556, Ohio Academic 79921
Resources Network, shall be used by the Chancellor of Higher 79922
Education to support the operations of the Ohio Academic Resources 79923
Network, a consortium organized under division (T) of section 79924
3333.04 of the Revised Code, which shall include support for 79925

Ohio's colleges and universities in maintaining and enhancing 79926
network connections, using new network technologies to improve 79927
research, education, and economic development programs, and 79928
sharing information technology services. To the extent network 79929
capacity is available, OARnet shall support allocating bandwidth 79930
to eligible programs directly supporting Ohio's economic 79931
development. 79932

Section 381.350. LONG-TERM CARE RESEARCH 79933

The foregoing appropriation item 235558, Long-term Care 79934
Research, shall be disbursed to Miami University for long-term 79935
care research. 79936

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 79937

(A)(1) As used in this section: 79938

(a) "Eligible institution" means any institution described in 79939
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 79940
Code. 79941

(b) The three "sectors" of institutions of higher education 79942
consist of the following: 79943

(i) State colleges and universities, community colleges, 79944
state community colleges, university branches, and technical 79945
colleges; 79946

(ii) Eligible private nonprofit institutions of higher 79947
education; 79948

(iii) Eligible private for-profit career colleges and 79949
schools. 79950

(2) Awards for students attending an eligible institution 79951
shall be determined by the Chancellor. 79952

For students attending an eligible institution year-round, 79953

awards may be distributed on an annual basis, once Pell grants 79954
have been exhausted. 79955

(3) If the Chancellor determines that the amounts 79956
appropriated for support of the Ohio College Opportunity Grant 79957
program are inadequate to provide grants to all eligible students 79958
as calculated under division (D) of section 3333.122 of the 79959
Revised Code, the Chancellor may create a distribution formula for 79960
fiscal year 2022 and fiscal year 2023 based on the formula used in 79961
fiscal year 2021, or may follow methods established in division 79962
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 79963
Chancellor determines that reductions in award amounts are 79964
necessary, the Chancellor shall reduce the award amounts 79965
proportionally among the sectors of institutions specified in 79966
division (A)(1) of this section in a manner determined by the 79967
Chancellor. The Chancellor shall notify the Controlling Board of 79968
the distribution method. Any formula calculated under this 79969
division shall be complete and established to coincide with the 79970
start of each academic year. 79971

(B) Prior to determining the amount of funds available to 79972
award under this section and section 3333.122 of the Revised Code, 79973
the Chancellor shall use the foregoing appropriation item 235563, 79974
Ohio College Opportunity Grant, to pay for waivers of tuition and 79975
student fees for eligible students under the Ohio Safety Officer's 79976
College Memorial Fund Program under sections 3333.26 of the 79977
Revised Code. 79978

In each fiscal year, with the exception of sections 3333.121 79979
and 3333.124 of the Revised Code and the section of this act 79980
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 79981
shall not distribute or obligate or commit to be distributed an 79982
amount greater than what is appropriated under the foregoing 79983
appropriation item 235563, Ohio College Opportunity Grant. 79984

(C) The Chancellor shall establish, and post on the 79985

Department of Higher Education's web site, award tables based on 79986
any formulas created under division (A) of this section. The 79987
Chancellor shall notify students and institutions of any 79988
reductions in awards under this section. 79989

(D) Notwithstanding section 3333.122 of the Revised Code, no 79990
student shall be eligible to receive an Ohio College Opportunity 79991
Grant for more than ten semesters, fifteen quarters, or the 79992
equivalent of five academic years, less the number of semesters or 79993
quarters in which the student received an Ohio Instructional 79994
Grant. 79995

(E) During each fiscal year, the Chancellor, as soon as 79996
possible after cancellation, may certify to the Director of Budget 79997
and Management the amount of canceled prior-year encumbrances in 79998
appropriation item 235563, Ohio College Opportunity Grant. Upon 79999
receipt of the certification, the Director of Budget and 80000
Management may transfer cash, up to the certified amount, from the 80001
General Revenue Fund to the Ohio College Opportunity Grant Program 80002
Reserve Fund (Fund 5PU0). 80003

Section 381.365. THE OHIO STATE UNIVERSITY COLLEGE OF 80004
VETERINARY MEDICINE SUPPLEMENT 80005

The foregoing appropriation item 235569, The Ohio State 80006
University College of Veterinary Medicine Supplement, shall be 80007
distributed through the Chancellor of Higher Education to The Ohio 80008
State University College of Veterinary Medicine to provide 80009
supplemental support for education, research, and operations. 80010

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 80011

The foregoing appropriation item 235572, The Ohio State 80012
University Clinic Support, shall be distributed through the 80013
Chancellor of Higher Education to The Ohio State University for 80014
support of dental and veterinary medicine clinics. 80015

Section 381.373. FEDERAL RESEARCH NETWORK 80016

The foregoing appropriation item 235578, Federal Research 80017
Network, shall be allocated to The Ohio State University to 80018
collaborate with federal installations in Ohio, state institutions 80019
of higher education as defined in section 3345.011 of the Revised 80020
Code, private nonprofit institutions of higher education holding 80021
certificates of authorization under Chapter 1713. of the Revised 80022
Code, and the private sector to align the state's research assets 80023
with emerging missions and job growth opportunities emanating from 80024
federal installations, strengthen related workforce development 80025
and technology commercialization programs, and better position the 80026
state's university system to directly impact new job creation in 80027
Ohio. A portion of the foregoing appropriation item 235578, 80028
Federal Research Network, shall be used to support the growth of 80029
small business federal contractors in the state and to expand the 80030
participation of Ohio businesses in the federal Small Business 80031
Innovation Research Program and related federal programs. 80032

Section 381.375. CO-OP INTERNSHIP PROGRAM 80033

Of the foregoing appropriation item 235591, Co-Op Internship 80034
Program, \$650,000 in each fiscal year shall be used to support the 80035
operations of Ohio University's Voinovich School. 80036

Of the foregoing appropriation item 235591, Co-Op Internship 80037
Program, \$150,000 in each fiscal year shall be used to support 80038
students who attend institutions of higher education in Ohio and 80039
participate in the internship program of The Washington Center. 80040

Of the foregoing appropriation item 235591, Co-Op Internship 80041
Program, \$75,000 in each fiscal year shall be used to support the 80042
Model United Nations Program and the operations of the Center for 80043
Liberal Arts Student Success at Wright State University. 80044

Of the foregoing appropriation item 235591, Co-Op Internship 80045

Program, \$62,500 in each fiscal year shall be used to support the 80046
operations of The Ohio State University's John Glenn College of 80047
Public Affairs. 80048

Of the foregoing appropriation item 235591, Co-Op Internship 80049
Program, \$62,500 in each fiscal year shall be used to support the 80050
Bliss Institute of Applied Politics at the University of Akron. 80051

Of the foregoing appropriation item 235591, Co-Op Internship 80052
Program, \$50,000 in each fiscal year shall be used to support the 80053
Center for Public Management and Regional Affairs at Miami 80054
University. 80055

Of the foregoing appropriation item 235591, Co-Op Internship 80056
Program, \$50,000 in each fiscal year shall be used to support the 80057
Ohio Center for the Advancement of Women in Public Service at the 80058
Maxine Goodman Levin College of Urban Affairs at Cleveland State 80059
University. 80060

Of the foregoing appropriation item 235591, Co-Op Internship 80061
Program, \$50,000 in each fiscal year shall be used to support the 80062
University of Cincinnati Internship Program. 80063

Of the foregoing appropriation item 235591, Co-Op Internship 80064
Program, \$50,000 in each fiscal year shall be used to support the 80065
Kent State University Washington Program in National Issues. 80066

Of the foregoing appropriation item 235591, Co-Op Internship 80067
Program, \$50,000 in each fiscal year shall be used to support the 80068
Kent State University Columbus Program. 80069

Of the foregoing appropriation item 235591, Co-Op Internship 80070
Program, \$50,000 in each fiscal year shall be used to support the 80071
University of Toledo Urban Affairs Center. 80072

Of the foregoing appropriation item 235591, Co-Op Internship 80073
Program, \$50,000 in each fiscal year shall be used to support the 80074
operations of the Center for Regional Development at Bowling Green 80075

State University.	80076
Of the foregoing appropriation item 235591, Co-Op Internship Program, \$25,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.	80077 80078 80079
COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM	80080
The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used to provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.	80081 80082 80083 80084
Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as grants pursuant to section 3333.125 of the Revised Code.	80085 80086 80087 80088
Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as loans pursuant to section 3333.125 of the Revised Code.	80089 80090 80091 80092
Section 381.376. RURAL UNIVERSITY PROGRAM	80093
The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$100,000 in each fiscal year to support their respective programs.	80094 80095 80096 80097 80098 80099 80100 80101
Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM	80102
The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program.	80103 80104

During each fiscal year, the Chancellor, as soon as possible after 80105
cancellation, may certify to the Director of Budget and Management 80106
the amount of canceled prior-year encumbrances in appropriation 80107
item 235599, National Guard Scholarship Program. Upon receipt of 80108
the certification, the Director of Budget and Management may 80109
transfer cash, up to the certified amount, from the General 80110
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 80111
5BM0). 80112

Section 381.390. PLEDGE OF FEES 80113

Any new pledge of fees, or new agreement for adjustment of 80114
fees, made in the biennium ending June 30, 2023, to secure bonds 80115
or notes of a state institution of higher education for a project 80116
for which bonds or notes were not outstanding on the effective 80117
date of this section or to secure a refund of prior debt that is 80118
anticipated to increase the total cost of retiring the original 80119
debt shall be effective only after approval by the Chancellor of 80120
Higher Education, unless approved in a previous biennium. 80121

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 80122
DEBT SERVICE 80123

The foregoing appropriation item 235909, Higher Education 80124
General Obligation Bond Debt Service, shall be used to pay all 80125
debt service and related financing costs during the period from 80126
July 1, 2021, through June 30, 2023, for obligations issued under 80127
sections 151.01 and 151.04 of the Revised Code. 80128

Section 381.410. SALES AND SERVICES 80129

The Chancellor of Higher Education is authorized to charge 80130
and accept payment for the provision of goods and services. Such 80131
charges shall be reasonably related to the cost of producing the 80132
goods and services. Except as otherwise provided by law, no 80133

charges may be levied for goods or services that are produced as 80134
part of the routine responsibilities or duties of the Chancellor. 80135
All revenues received by the Chancellor shall be deposited into 80136
Fund 4560, and may be used by the Chancellor to pay for the costs 80137
of producing the goods and services. 80138

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 80139
ADMINISTRATION 80140

The foregoing appropriation item 235602, Higher Educational 80141
Facility Commission Administration, shall be used by the 80142
Chancellor of Higher Education for operating expenses related to 80143
the Chancellor's support of the activities of the Ohio Higher 80144
Educational Facility Commission. Upon the request of the 80145
Chancellor, the Director of Budget and Management may transfer 80146
cash in an amount up to the amount appropriated from the foregoing 80147
appropriation item 235602, Higher Educational Facility Commission 80148
Administration, in each fiscal year from the HEFC Operating 80149
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 80150
4E80). 80151

Section 381.460. OHIOCORPS PROGRAM 80152

Of the appropriation item 235594, OhioCorps Program, up to 80153
\$50,000 in each fiscal year shall be used by the Chancellor of 80154
Higher Education to implement and administer the OhioCorps Program 80155
pursuant to sections 3333.80 to 3333.802 of the Revised Code. 80156

The remainder of the appropriation item 235594, OhioCorps 80157
Program, shall be used by the Chancellor of Higher Education to 80158
assist eligible state institutions of higher education, as defined 80159
in division (A)(4) of section 3333.80 of the Revised Code, in 80160
establishing and administering OhioCorps mentorship programs and 80161
scholarships under sections 3333.80 and 3333.801 of the Revised 80162
Code. 80163

On July 1, 2021, or as soon as possible thereafter, the 80164
Chancellor of Higher Education may certify to the Director of 80165
Budget and Management an amount up to the unexpended, unencumbered 80166
balance of the appropriation item, 235594, OhioCorps Program, at 80167
the end of fiscal year 2021 to be reappropriated to fiscal year 80168
2022. The amount certified is hereby reappropriated to the same 80169
appropriation item for fiscal year 2022 for purposes of providing 80170
funds to support mentorship programs and scholarships under the 80171
OhioCorps Program. 80172

On July 1, 2022, or as soon as possible thereafter, the 80173
Chancellor of Higher Education may certify to the Director of 80174
Budget and Management an amount up to the unexpended, unencumbered 80175
balance of the appropriation item, 235594, OhioCorps Program, at 80176
the end of fiscal year 2022 to be reappropriated to fiscal year 80177
2023. The amount certified is hereby reappropriated to the same 80178
appropriation item for fiscal year 2023 for purposes of providing 80179
funds to support mentorship programs and scholarships under the 80180
OhioCorps Program. 80181

Section 381.470. STATE FINANCIAL AID RECONCILIATION 80182

By the first day of September in each fiscal year, or as soon 80183
as possible thereafter, the Chancellor of Higher Education shall 80184
certify to the Director of Budget and Management the amount 80185
necessary to pay any outstanding prior year obligations to higher 80186
education institutions for the state's financial aid programs. The 80187
amounts certified are hereby appropriated to appropriation item 80188
235618, State Financial Aid Reconciliation, from revenues received 80189
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 80190

Section 381.480. NURSING LOAN PROGRAM 80191

The foregoing appropriation item 235606, Nursing Loan 80192
Program, shall be used to administer the nurse education 80193

assistance program. 80194

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 80195

The foregoing appropriation items 235634, Research Incentive 80196
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 80197
shall be used by the Chancellor of Higher Education to advance 80198
collaborative research at institutions of higher education. Of the 80199
foregoing appropriation items 235634, Research Incentive Third 80200
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 80201
to \$2,500,000 in each fiscal year may be allocated toward research 80202
regarding the improvement of water quality, up to \$1,500,000 in 80203
each fiscal year may be allocated for spinal cord research, up to 80204
\$1,000,000 in each fiscal year may be allocated toward research 80205
regarding the reduction of infant mortality, up to \$1,000,000 in 80206
each fiscal year may be allocated toward research regarding opiate 80207
addiction issues in Ohio, up to \$750,000 in each fiscal year may 80208
be allocated toward research regarding cyber security initiatives, 80209
up to \$300,000 in each fiscal year may be allocated toward the 80210
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 80211
be allocated toward the Ohio Innovation Exchange program. 80212

Section 381.530. VETERANS PREFERENCES 80213

The Chancellor of Higher Education shall work with the 80214
Department of Veterans Services to develop specific veterans 80215
preference guidelines for higher education institutions. These 80216
guidelines shall ensure that the institutions' hiring practices 80217
are in accordance with the intent of Ohio's veterans preference 80218
laws. 80219

Section 381.540. (A) As used in this section: 80220

(1) "Board of trustees" includes the managing authority of a 80221
university branch district. 80222

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 80223
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(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits. 80225
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Section 381.550. EFFICIENCY REPORTS 80230

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. 80231
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MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 80235

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating. 80236
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Section 381.580. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's 80250
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university and college faculty in a variety of fields, including, 80253
but not limited to, engineering, biomedicine, and information 80254
technology, and to identify institutional research equipment 80255
available in the state. 80256

Section 381.620. FUND NAME CHANGES 80257

On July 1, 2021, or as soon as possible thereafter, the 80258
Director of Budget and Management shall rename the Publications 80259
Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the 80260
OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid 80261
Reconciliation Fund (Fund 5Y50). 80262

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 80263
CORRECTION 80264

General Revenue Fund 80265

GRF 501321 Institutional \$ 1,201,221,420 \$ 1,251,447,479 80266
Operations

GRF 501405 Halfway House \$ 70,019,786 \$ 70,019,786 80267

GRF 501406 Adult Correctional \$ 85,000,000 \$ 85,000,000 80268
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 67,644,863 \$ 67,644,863 80269
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 9,340,276 \$ 9,340,276 80270
Programs

GRF 501501 Community Residential \$ 84,757,815 \$ 86,072,332 80271
Programs - Community
Based Correctional
Facilities

GRF 503321 Parole and Community \$ 96,680,240 \$ 106,525,655 80272
Operations

GRF	504321	Administrative Operations	\$	24,658,204	\$	25,132,130	80273
GRF	505321	Institution Medical Services	\$	290,898,936	\$	302,940,702	80274
GRF	506321	Institution Education Services	\$	34,887,328	\$	35,665,119	80275
TOTAL GRF	General Revenue Fund		\$	1,965,108,868	\$	2,039,788,342	80276
Dedicated Purpose Fund Group							80277
4B00	501601	Sewer Treatment Services	\$	1,200,000	\$	1,200,000	80278
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000	80279
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000	80280
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000	80281
5AF0	501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000	80282
5CV1	501627	Coronavirus Relief - DRC	\$	18,000,000	\$	0	80283
5H80	501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000	80284
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000	80285
TOTAL DPF	Dedicated Purpose Fund Group		\$	34,870,000	\$	16,870,000	80286
Internal Service Activity Fund Group							80287
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000	80288
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	80289
4830	501605	Leased Property Maintenance and Operating	\$	2,000,000	\$	2,000,000	80290
5710	501606	Corrections Training Maintenance and	\$	980,000	\$	980,000	80291

		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 80292
		Technology Services				
		TOTAL ISA Internal Activity				80293
		Fund Group	\$	52,845,000	\$	52,845,000 80294
		Federal Fund Group				80295
3230	501619	Federal Grants	\$	3,040,000	\$	3,040,000 80296
3CW0	501622	Federal Equitable	\$	300,000	\$	300,000 80297
		Sharing				
		TOTAL FED Federal				80298
		Fund Group	\$	3,340,000	\$	3,340,000 80299
		TOTAL ALL BUDGET FUND GROUPS	\$	2,056,163,868	\$	2,112,843,342 80300
		EXPEDITED PARDON INITIATIVE				80301
		Of the foregoing appropriation item 501321, Institutional				80302
		Operations, up to \$500,000 in each fiscal year may be used by the				80303
		Department of Rehabilitation and Correction to distribute grants				80304
		to create up to five regional collaborative partnership pilot				80305
		projects connecting rehabilitated citizens with community partners				80306
		to advance the expedited pardon initiative and help eligible				80307
		individuals navigate the process and access clemency.				80308
		OSU MEDICAL CHARGES				80309
		Notwithstanding section 341.192 of the Revised Code, at the				80310
		request of the Department of Rehabilitation and Correction, the				80311
		Ohio State University Medical Center, including the Arthur G.				80312
		James Cancer Hospital and Richard J. Solove Research Institute and				80313
		the Richard M. Ross Heart Hospital, shall provide necessary care				80314
		to persons who are confined in state adult correctional				80315
		facilities. The provision of necessary inpatient care billed to				80316
		the Department shall be reimbursed at a rate not to exceed the				80317
		authorized reimbursement rate for the same service established by				80318
		the Department of Medicaid under the Medicaid Program.				80319

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 80320

The foregoing appropriation item 501406, Adult Correctional 80321
Facilities Lease Rental Bond Payments, shall be used to meet all 80322
payments during the period from July 1, 2021, through June 30, 80323
2023, by the Department of Rehabilitation and Correction pursuant 80324
to leases and agreements for facilities made under Chapters 152. 80325
and 154. of the Revised Code. These appropriations are the source 80326
of funds pledged for bond service charges on related obligations 80327
issued under Chapters 152. and 154. of the Revised Code. 80328

REENTRY EMPLOYMENT GRANTS 80329

(A) Of the foregoing appropriation item 503321, Parole and 80330
Community Operations, \$275,000 in each fiscal year shall be used 80331
by the Department of Rehabilitation and Correction to create and 80332
implement a program to award grants to at least one nonprofit 80333
organization that operates reentry employment programs that meet 80334
all of the following criteria: 80335

(1) Serve parolees, releasees, and probationers assessed by 80336
the Department as moderate or high risk to recidivate and referred 80337
by the Adult Parole Authority or probation for services; 80338

(2) Provide job readiness training, transitional employment, 80339
job coaching and placement, and post-placement retention services; 80340

(3) Have been independently and rigorously evaluated and 80341
shown to reduce recidivism; 80342

(4) Have the ability to serve multiple large jurisdictions 80343
across the state. 80344

(B) The Department shall establish guidelines, procedures, 80345
all forms by which applicants may apply for grants, and 80346
outcome-based criteria upon which performance, under the terms of 80347
the grant awards, is evaluated. The outcomes, as defined by the 80348
Department, shall include enrollment, job placement, and job 80349

retention.				80350	
PROBATION IMPROVEMENT AND INCENTIVE GRANTS				80351	
The foregoing appropriation item 501610, Probation				80352	
Improvement and Incentive Grants, shall be allocated by the				80353	
Department of Rehabilitation and Correction to municipalities as				80354	
Probation Improvement and Incentive Grants with an emphasis on:				80355	
(1) providing services to those addicted to opiates and other				80356	
illegal substances, and (2) supplementing the programs and				80357	
services funded by grants distributed from the foregoing				80358	
appropriation item 501407, Community Nonresidential Programs.				80359	
Section 387.10. RDF STATE REVENUE DISTRIBUTIONS				80360	
General Revenue Fund Group				80361	
GRF 110908 Property Tax	\$	651,400,000	\$	658,400,000	80362
Reimbursement - Local					
Government					
GRF 200903 Property Tax	\$	1,183,000,000	\$	1,195,600,000	80363
Reimbursement -					
Education					
TOTAL GRF General Revenue Fund	\$	1,834,400,000	\$	1,854,000,000	80364
Group					
Revenue Distribution Fund Group				80365	
5JG0 110633 Gross Casino Revenue	\$	150,000,000	\$	153,000,000	80366
Payments-County					
5JH0 110634 Gross Casino Revenue	\$	99,800,000	\$	101,800,000	80367
Payments- School					
Districts					
5JJ0 110636 Gross Casino Revenue	\$	14,700,000	\$	15,000,000	80368
- Host City					
7047 200902 Property Tax	\$	83,157,236	\$	72,308,288	80369
Replacement Phase					

		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	0 80370
		Alcohol Treatment				
7050	762900	International	\$	23,000,000	\$	23,000,000 80371
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000 80372
		Distribution				
7060	110960	Gasoline Excise Tax	\$	900,000,000	\$	920,000,000 80373
		Fund				
7065	110965	Public Library Fund	\$	428,000,000	\$	443,000,000 80374
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 80375
		Permits				
7069	110969	Local Government Fund	\$	428,000,000	\$	443,000,000 80376
7081	110907	Property Tax	\$	7,000,000	\$	6,000,000 80377
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 80378
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 80379
TOTAL RDF Revenue Distribution						80380
Fund Group			\$	2,479,567,236	\$	2,520,768,288 80381
Fiduciary Fund Group						80382
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 80383
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	70,000,000	\$	75,000,000 80384
		Tax				
6080	001699	Investment Earnings	\$	120,000,000	\$	120,000,000 80385
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 80386
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$	1,500,000	\$	1,500,000 80387
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	2,928,800,000	\$	3,057,700,000 80388

		Distribution				
7067	110967	School District	\$	560,900,000	\$	594,000,000 80389
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 80390
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000 80391
7094	110641	Wireless 9-1-1	\$	25,900,000	\$	26,000,000 80392
		Government Assistance				
7095	110995	Municipal Income Tax	\$	20,000,000	\$	20,000,000 80393
7099	762902	Permissive Tax	\$	235,000,000	\$	242,000,000 80394
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$	3,966,740,000	\$	4,140,840,000 80395
	Holding Account Fund Group					80396
R045	110617	International Fuel	\$	56,100,000	\$	56,100,000 80397
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$	56,100,000	\$	56,100,000 80398
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	8,336,807,236	\$	8,571,708,288 80399

Section 387.20. ADDITIONAL APPROPRIATIONS 80401

Appropriation items in Section 387.10 of this act shall be 80402
 used for the purpose of administering and distributing the 80403
 designated revenue distribution funds according to the Revised 80404
 Code. If it is determined that additional appropriations are 80405
 necessary for this purpose in any appropriation items in Section 80406
 387.10 of this act, such amounts are hereby appropriated. 80407

GENERAL REVENUE FUND TRANSFERS 80408

Notwithstanding any provision of law to the contrary, in 80409
 fiscal year 2022 and fiscal year 2023, the Director of Budget and 80410
 Management may transfer from the General Revenue Fund to the Local 80411

Government Tangible Property Tax Replacement Fund (Fund 7081) and 80412
the School District Tangible Property Tax Replacement Fund (Fund 80413
7047) in the Revenue Distribution Fund Group, those amounts 80414
necessary to reimburse local taxing units and school districts 80415
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 80416
fiscal year 2022 and fiscal year 2023, the Director of Budget and 80417
Management may make temporary transfers from the General Revenue 80418
Fund to ensure sufficient balances in the Local Government 80419
Tangible Property Tax Replacement Fund (Fund 7081) and the School 80420
District Tangible Property Tax Replacement Fund (Fund 7047) and to 80421
replenish the General Revenue Fund for such transfers. 80422

PROPERTY TAX REIMBURSEMENT - EDUCATION 80423

The foregoing appropriation item 200903, Property Tax 80424
Reimbursement - Education, is appropriated to pay for the state's 80425
costs incurred because of the homestead exemption, the property 80426
tax rollback, and payments required under division (C) of section 80427
5705.2110 of the Revised Code. In cooperation with the Department 80428
of Taxation, the Department of Education shall distribute these 80429
funds directly to the appropriate school districts of the state, 80430
notwithstanding sections 321.24 and 323.156 of the Revised Code, 80431
which provide for payment of the homestead exemption and property 80432
tax rollback by the Tax Commissioner to the appropriate county 80433
treasurer and the subsequent redistribution of these funds to the 80434
appropriate local taxing districts by the county auditor. 80435

Upon receipt of these amounts, each school district shall 80436
distribute the amount among the proper funds as if it had been 80437
paid as real or tangible personal property taxes. Payments for the 80438
costs of administration shall continue to be paid to the county 80439
treasurer and county auditor as provided for in sections 319.54, 80440
321.26, and 323.156 of the Revised Code. 80441

Any sums, in addition to the amount specifically appropriated 80442
in appropriation item 200903, Property Tax Reimbursement - 80443

Education, for the homestead exemption and the property tax 80444
rollback payments, and payments required under division (C) of 80445
section 5705.2110 of the Revised Code, which are determined to be 80446
necessary for these purposes, are hereby appropriated. 80447

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 80448

The foregoing appropriation item 110908, Property Tax 80449
Reimbursement-Local Government, is hereby appropriated to pay for 80450
the state's costs incurred due to the Homestead Exemption, the 80451
Manufactured Home Property Tax Rollback, and the Property Tax 80452
Rollback. The Tax Commissioner shall distribute these funds 80453
directly to the appropriate local taxing districts, except for 80454
school districts, notwithstanding the provisions in sections 80455
321.24 and 323.156 of the Revised Code, which provide for payment 80456
of the Homestead Exemption, the Manufactured Home Property Tax 80457
Rollback, and Property Tax Rollback by the Tax Commissioner to the 80458
appropriate county treasurer and the subsequent redistribution of 80459
these funds to the appropriate local taxing districts by the 80460
county auditor. 80461

Upon receipt of these amounts, each local taxing district 80462
shall distribute the amount among the proper funds as if it had 80463
been paid as real property taxes. Payments for the costs of 80464
administration shall continue to be paid to the county treasurer 80465
and county auditor as provided for in sections 319.54, 321.26, and 80466
323.156 of the Revised Code. 80467

Any sums, in addition to the amounts specifically 80468
appropriated in appropriation item 110908, Property Tax Allocation 80469
- Local Government, for the Homestead Exemption, the Manufactured 80470
Home Property Tax Rollback, and the Property Tax Rollback 80471
payments, which are determined to be necessary for these purposes, 80472
are hereby appropriated. 80473

MUNICIPAL INCOME TAX 80474

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

MUNICIPAL NET PROFIT TAX

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2022 and fiscal year 2023, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may

transfer cash from the Municipal Net Profit Tax Fund to reimburse 80507
the funds from which cash was transferred for the purpose outlined 80508
in this section. 80509

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 80510

General Revenue Fund 80511

GRF 226321 Operations \$ 12,599,774 \$ 12,801,135 80512

TOTAL GRF General Revenue Fund \$ 12,599,774 \$ 12,801,135 80513

Dedicated Purpose Fund Group 80514

4H80 226602 Education Reform \$ 200,000 \$ 200,000 80515

Grants

4M50 226601 Work Study and \$ 300,000 \$ 300,000 80516

Technology Investment

5NJ0 226622 Food Service Program \$ 10,500 \$ 10,500 80517

TOTAL DPF Dedicated Purpose Fund \$ 510,500 \$ 510,500 80518

Group

Federal Fund Group 80519

3100 226626 Federal Grants \$ 842,850 \$ 842,850 80520

3DT0 226621 Ohio Transition \$ 265,000 \$ 265,000 80521

Collaborative

3P50 226643 Medicaid Professional \$ 100,000 \$ 100,000 80522

Services

Reimbursement

TOTAL FED Federal Fund Group \$ 1,207,850 \$ 1,207,850 80523

TOTAL ALL BUDGET FUND GROUPS \$ 14,318,124 \$ 14,519,485 80524

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 80526

General Revenue Fund 80527

GRF 221321 Operations \$ 13,940,430 \$ 14,164,662 80528

TOTAL GRF General Revenue Fund \$ 13,940,430 \$ 14,164,662 80529

Dedicated Purpose Fund Group 80530

4M00	221601	Educational Program Expenses	\$	200,000	\$	200,000	80531
4M10	221602	Education Reform Grants	\$	210,000	\$	210,000	80532
5H60	221609	Even Start Fees and Gifts	\$	53,000	\$	53,000	80533
5NK0	221610	Food Service Program	\$	10,500	\$	10,500	80534
TOTAL DPF		Dedicated Purpose Fund Group	\$	473,500	\$	473,500	80535
		Federal Fund Group					80536
3110	221625	Federal Grants	\$	281,000	\$	281,000	80537
3R00	221684	Medicaid Professional Services Reimbursement	\$	206,000	\$	206,000	80538
TOTAL FED		Federal Fund Group	\$	487,000	\$	487,000	80539
TOTAL ALL BUDGET FUND GROUPS			\$	14,900,930	\$	15,125,162	80540
		Section 395.10. SOS SECRETARY OF STATE					80542
		General Revenue Fund					80543
GRF	050321	Operating Expenses	\$	890,000	\$	890,000	80544
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	80545
GRF	050509	County Voting Systems Lease Rental Payments	\$	12,500,000	\$	12,500,000	80546
TOTAL GRF		General Revenue Fund	\$	13,624,196	\$	13,624,196	80547
		Dedicated Purpose Fund Group					80548
4120	050609	Notary Commission	\$	475,000	\$	475,000	80549
4S80	050610	Board of Voting Machine Examiners	\$	14,400	\$	14,400	80550
5990	050603	Business Services Operating Expenses	\$	17,923,793	\$	16,872,298	80551
5990	050629	Statewide Voter Registration Database	\$	700,000	\$	700,000	80552

5990 050630	Elections Support Supplement	\$	2,390,000	\$	2,500,000	80553
5FG0 050620	BOE Reimbursement and Education	\$	200,000	\$	200,000	80554
5SN0 050626	Address Confidentiality	\$	200,000	\$	200,000	80555
TOTAL DPF Dedicated Purpose Fund Group		\$	21,903,193	\$	20,961,698	80556
Holding Account Fund Group						80557
R002 050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	80558
TOTAL HLD Holding Account Fund Group		\$	85,000	\$	85,000	80559
Federal Fund Group						80560
3AS0 050616	Help America Vote Act (HAVA)	\$	1,500,000	\$	1,500,000	80561
TOTAL FED Federal Fund Group		\$	1,500,000	\$	1,500,000	80562
TOTAL ALL BUDGET FUND GROUPS		\$	37,112,389	\$	36,170,894	80563

Section 395.20. POLL WORKERS TRAINING 80565

The foregoing appropriation item 050407, Poll Workers
Training, shall be used to reimburse county boards of elections
for precinct election official (PEO) training pursuant to section
3501.27 of the Revised Code. An amount equal to the unexpended,
unencumbered portion of the foregoing appropriation item 050407,
Poll Workers Training at the end of fiscal year 2022 is hereby
reappropriated to fiscal year 2023 for the same purpose.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 80573

The foregoing appropriation item 050509, County Voting
Systems Lease Rental Payments, shall be used to make payments
during the period from July 1, 2021, through June 30, 2023,
pursuant to leases and agreements entered into under Section 4 of

S.B. 135 of the 132nd General Assembly with respect to financing 80578
the costs associated with the acquisition, development, 80579
installation, and implementation of county voting systems. 80580

BOARD OF VOTING MACHINE EXAMINERS 80581

The foregoing appropriation item 050610, Board of Voting 80582
Machine Examiners, shall be used to pay for the services and 80583
expenses of the members of the Board of Voting Machine Examiners, 80584
and for other expenses that are authorized to be paid from the 80585
Board of Voting Machine Examiners Fund (Fund 4S80) created in 80586
section 3506.05 of the Revised Code. Moneys not used shall be 80587
returned to the person or entity submitting equipment for 80588
examination. If it is determined by the Secretary of State that 80589
additional appropriation amounts are necessary, the Secretary of 80590
State may request that the Director of Budget and Management 80591
approve such amounts. Upon approval of the Director of Budget and 80592
Management, such amounts are hereby appropriated. 80593

BALLOT ADVERTISING COSTS 80594

Notwithstanding division (G) of section 3501.17 of the 80595
Revised Code, upon requests submitted by the Secretary of State, 80596
the Controlling Board may approve transfers from the Controlling 80597
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 80598
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 80599
the cost of public notices associated with statewide ballot 80600
initiatives. 80601

ABSENT VOTER'S BALLOT APPLICATION MAILING 80602

Notwithstanding division (B) of section 111.31 of the Revised 80603
Code, upon the request of the Secretary of State, the Controlling 80604
Board may approve cash and appropriation transfers from the 80605
Controlling Board Emergency Purposes/Contingencies Fund (Fund 80606
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 80607
5RG0) to be used by the Secretary of State to pay the costs of 80608

printing and mailing unsolicited applications for absent voters' 80609
ballots for the general election to be held in November 2022. 80610

ADDRESS CONFIDENTIALITY PROGRAM 80611

Upon the request of the Secretary of State, the Director of 80612
Budget and Management may transfer up to \$200,000 per fiscal year 80613
in cash from the Business Services Operating Expenses Fund (Fund 80614
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 80615

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 80616

The foregoing appropriation item 050634, Women's Suffrage 80617
Centennial Commission, shall be used to carry out the duties of 80618
the Womens' Suffrage Commission in accordance with S.B. 30 of the 80619
133rd General Assembly. An amount equal to the unexpended, 80620
unencumbered portion of the foregoing appropriation item 050634, 80621
Women's Suffrage Centennial Commission, at the end of fiscal year 80622
2021 is hereby reappropriated to fiscal year 2022 for the same 80623
purpose. 80624

An amount equal to the unexpended, unencumbered, portion of 80625
the foregoing appropriation item 050634, Women's Suffrage 80626
Centennial Commission, at the end of fiscal year 2022 is hereby 80627
reappropriated in fiscal year 2023 for the same purpose. 80628

CORPORATE/BUSINESS FILING REFUNDS 80629

The foregoing appropriation item 050606, Corporate/Business 80630
Filing Refunds, shall be used to hold revenues until they are 80631
directed to the appropriate accounts or until they are refunded. 80632
If it is determined by the Secretary of State that additional 80633
appropriation amounts are necessary, the Secretary of State may 80634
request that the Director of Budget and Management approve such 80635
amounts. Upon approval of the Director of Budget and Management, 80636
such amounts are hereby appropriated. 80637

HAVA FUNDS 80638

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

Section 397.10. SEN THE OHIO SENATE

GRF 020321	Operating Expenses	\$	15,902,029	\$	15,902,029	
TOTAL GRF	General Revenue Fund	\$	15,902,029	\$	15,902,029	
Internal Service Activity Fund Group						
1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	
TOTAL ISA	Internal Service Activity					
Fund Group		\$	460,297	\$	460,297	
TOTAL ALL BUDGET FUND GROUPS		\$	16,362,326	\$	16,362,326	

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023.

The amount certified is hereby reappropriated to the same 80669
 appropriation item for fiscal year 2023. 80670

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 80671

General Revenue Fund 80672

GRF 866321 CSV Operations \$ 529,252 \$ 529,252 80673

TOTAL GRF General Revenue Fund \$ 529,252 \$ 529,252 80674

Dedicated Purpose Fund Group 80675

5GN0 866605 Serve Ohio Support \$ 30,000 \$ 30,000 80676

TOTAL DPF Dedicated Purpose Fund \$ 30,000 \$ 30,000 80677

Group

Federal Fund Group 80678

3R70 866617 AmeriCorps Programs \$ 10,121,612 \$ 10,144,716 80679

TOTAL FED Federal Fund Group \$ 10,121,612 \$ 10,144,716 80680

TOTAL ALL BUDGET FUND GROUPS \$ 10,680,864 \$ 10,703,968 80681

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 80683

Debt Service Fund Group 80684

7070 155905 Third Frontier \$ 69,000,000 \$ 76,000,000 80685

Research and
 Development Bond
 Retirement Fund

7072 155902 Highway Capital \$ 164,700,000 \$ 164,700,000 80686

Improvement Bond
 Retirement Fund

7073 155903 Natural Resources Bond \$ 20,600,000 \$ 23,000,000 80687

Retirement Fund

7074 155904 Conservation Projects \$ 50,500,000 \$ 53,500,000 80688

Bond Retirement Fund

7076 155906 Coal Research and \$ 7,300,000 \$ 8,500,000 80689

Development Bond
 Retirement Fund

7077	155907	State Capital Improvement Bond Retirement Fund	\$ 246,500,000	\$ 237,000,000	80690
7078	155908	Common Schools Bond Retirement Fund	\$ 427,000,000	\$ 390,000,000	80691
7079	155909	Higher Education Bond Retirement Fund	\$ 331,000,000	\$ 301,000,000	80692
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$ 5,375,000	\$ 5,000,000	80693
7090	155912	Job Ready Site Development Bond Retirement Fund	\$ 4,605,000	\$ 4,605,000	80694
TOTAL DSF Debt Service Fund Group			\$ 1,326,580,000	\$ 1,263,305,000	80695
TOTAL ALL BUDGET FUND GROUPS			\$ 1,326,580,000	\$ 1,263,305,000	80696
ADDITIONAL APPROPRIATIONS					80697
Appropriation items in this section are for the purpose of					80698
paying debt service and financing costs during the period from					80699
July 1, 2021, through June 30, 2023, on bonds or notes of the					80700
state issued under the Ohio Constitution, Revised Code, and acts					80701
of the General Assembly. If it is determined that additional					80702
amounts are necessary for this purpose, such amounts are hereby					80703
appropriated.					80704
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					80705
DEVELOPMENT FOUNDATION					80706
Dedicated Purpose Fund Group					80707
5M90	945601	Operating Expenses	\$ 98,270	\$ 0	80708
TOTAL DPF Dedicated Purpose Fund			\$ 98,270	\$ 0	80709
Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 98,270	\$ 0	80710

Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS			80712
BOARD			80713
Dedicated Purpose Fund Group			80714
4K90 123609	Operating Expenses	\$ 636,709 \$	636,709 80715
TOTAL DPF Dedicated Purpose Fund Group		\$ 636,709 \$	636,709 80716
TOTAL ALL BUDGET FUND GROUPS		\$ 636,709 \$	636,709 80717
 Section 407.10. BTA BOARD OF TAX APPEALS			80719
General Revenue Fund			80720
GRF 116321	Operating Expenses	\$ 1,753,243 \$	1,803,160 80721
TOTAL GRF General Revenue Fund		\$ 1,753,243 \$	1,803,160 80722
TOTAL ALL BUDGET FUND GROUPS		\$ 1,753,243 \$	1,803,160 80723
 Section 409.10. TAX DEPARTMENT OF TAXATION			80725
General Revenue Fund			80726
GRF 110321	Operating Expenses	\$ 56,240,803 \$	56,504,746 80727
GRF 110404	Tobacco Settlement Enforcement	\$ 150,810 \$	150,810 80728
TOTAL GRF General Revenue Fund		\$ 56,391,613 \$	56,655,556 80729
Dedicated Purpose Fund Group			80730
2280 110628	CAT Administration	\$ 10,964,720 \$	10,964,720 80731
4350 110607	Local Tax Administration	\$ 31,020,628 \$	31,020,628 80732
4360 110608	Motor Vehicle Audit Administration	\$ 1,500,000 \$	1,500,000 80733
4380 110609	School District Income Tax Administration	\$ 9,000,000 \$	9,000,000 80734
4C60 110616	International Registration Plan	\$ 705,869 \$	705,869 80735

		Administration					
4R60	110610	Tire Tax	\$	180,000	\$	180,000	80736
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	80737
		Administration					
5JM0	110637	Casino Tax	\$	125,000	\$	125,000	80738
		Administration					
5N50	110605	Municipal Income Tax	\$	200,000	\$	200,000	80739
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	80740
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	80741
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	6,000,000	\$	6,000,000	80742
		Administration					
5V80	110623	Property Tax	\$	5,000,000	\$	5,000,000	80743
		Administration					
6390	110614	Cigarette Tax	\$	1,450,000	\$	1,450,000	80744
		Enforcement					
6880	110615	Local Excise Tax	\$	500,000	\$	500,000	80745
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	68,045,011	\$	68,045,011	80746
Group							
Fiduciary Fund Group							80747
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300	80748
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000	80749
		Application					
TOTAL FID		Fiduciary Fund Group	\$	2,180,149,300	\$	2,180,149,300	80750
Group							
80751							
80752							
80753							
		Tax Receipts					

TOTAL HLD Holding Account Fund \$ 25,500 \$ 25,500 80754
Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,304,611,424 \$ 2,304,875,367 80755

Section 409.20. TAX REFUNDS 80757

The foregoing appropriation item 110635, Tax Refunds, shall 80758
be used to pay refunds under section 5703.052 of the Revised Code. 80759
If it is determined that additional appropriations are necessary 80760
for this purpose, such amounts are hereby appropriated. 80761

VENDOR'S LICENSE PAYMENTS 80762

The foregoing appropriation item 110631, Vendor's License 80763
Application, shall be used to make payments to county auditors 80764
under section 5739.17 of the Revised Code. If it is determined 80765
that additional appropriations are necessary to make such 80766
payments, such amounts are hereby appropriated. 80767

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 80768

The foregoing appropriation item 110616, International 80769
Registration Plan Administration, shall be used under section 80770
5703.12 of the Revised Code for audits of persons with vehicles 80771
registered under the International Registration Plan. 80772

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 80773

Of the foregoing appropriation item 110607, Local Tax 80774
Administration, the Tax Commissioner may disburse funds, if 80775
available, for the purposes of paying travel expenses incurred by 80776
members of Ohio's delegation to the Streamlined Sales Tax Project, 80777
as appointed under section 5740.02 of the Revised Code. Any travel 80778
expense reimbursement paid for by the Department of Taxation shall 80779
be done in accordance with applicable state laws and guidelines. 80780

TOBACCO SETTLEMENT ENFORCEMENT 80781

The foregoing appropriation item 110404, Tobacco Settlement 80782
Enforcement, shall be used by the Tax Commissioner to pay costs 80783

incurred in the enforcement of divisions (F) and (G) of section 80784
 5743.03 of the Revised Code. 80785

PROPERTY TAX ADMINISTRATION 80786

Notwithstanding section 5703.80 or division (F) of section 80787
 321.24 of the Revised Code, in fiscal year 2022, the Tax 80788
 Commissioner shall not compute or certify the amounts calculated 80789
 under divisions (A) and (B) of that section as amended by this 80790
 act. The Director of Budget and Management shall not transfer any 80791
 amounts from the General Revenue Fund to the Property Tax 80792
 Administration Fund in fiscal year 2022. In fiscal year 2022, the 80793
 Tax Commissioner shall not subtract any amounts computed under 80794
 section 5703.80 of the Revised Code, as amended by this act, from 80795
 the payments made from the General Revenue Fund to county 80796
 treasurers under division (F) of section 321.24 of the Revised 80797
 Code. In fiscal year 2023, the Property Tax Administration Fund 80798
 shall be funded as provided in section 5703.80 and division (F) of 80799
 section 321.24 of the Revised Code. 80800

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 80801

General Revenue Fund 80802

GRF	775470	Public	\$	7,362,778		7,362,778	80803
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Transportation-State

GRF	776465	Rail Development	\$	2,000,000	\$	2,000,000	80804
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GRF	777471	Airport Improvements	\$	6,419,687	\$	7,404,687	80805
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- State

TOTAL GRF	General Revenue Fund	\$	15,782,465	\$	16,767,465	80806
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TOTAL ALL BUDGET FUND GROUPS	\$	15,782,465	\$	16,767,465	80807
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Section 411.20. PUBLIC TRANSPORTATION - STATE 80809

Of the foregoing appropriation item 775470, Public 80810
 Transportation - State, \$7,362,778 in each fiscal year shall be 80811
 used for grants to support public transit. 80812

Section 411.30. AIRPORT IMPROVEMENTS - STATE 80813

The foregoing appropriation item 777471, Airport Improvements 80814
- State, shall be used for the Ohio Airport Grant Program in 80815
supporting capital improvements, maintaining infrastructure, and 80816
ensuring safety at publicly owned, public use airports in Ohio. 80817

Section 413.10. TOS TREASURER OF STATE 80818

General Revenue Fund 80819

GRF 090321 Operating Expenses \$ 8,037,839 \$ 8,037,839 80820

GRF 090401 Office of the Sinking \$ 463,662 \$ 463,662 80821

Fund

GRF 090402 Continuing Education \$ 175,000 \$ 175,000 80822

GRF 090406 Treasury Management \$ 1,125,000 \$ 1,120,000 80823

System Lease Rental
Payments

GRF 090613 STABLE Account \$ 1,480,987 \$ 1,480,987 80824

Administration

TOTAL GRF General Revenue Fund \$ 11,282,488 \$ 11,277,488 80825

Dedicated Purpose Fund Group 80826

4E90 090603 Securities Lending \$ 7,843,565 \$ 7,843,565 80827

Income

4X90 090614 Political Subdivision \$ 45,000 \$ 45,000 80828

Obligation

5770 090605 Investment Pool \$ 1,050,000 \$ 1,050,000 80829

Reimbursement

5C50 090602 County Treasurer \$ 240,057 \$ 240,057 80830

Education

5NH0 090610 OhioMeansJobs \$ 250,000 \$ 250,000 80831

Workforce Development

5VZ0 090615 State Pay for Success \$ 1,000,000 \$ 0 80832

Contract Fund

6050 090609	Treasurer of State	\$	700,000	\$	700,000	80833
	Administrative Fund					
TOTAL DPF	Dedicated Purpose					80834
Fund Group		\$	11,128,622	\$	10,128,622	80835
Fiduciary	Fund Group					80836
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	80837
TOTAL FID	Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	80838
TOTAL ALL BUDGET	FUND GROUPS	\$	34,411,110	\$	33,406,110	80839

Section 413.20. OFFICE OF THE SINKING FUND 80841

The foregoing appropriation item 090401, Office of the 80842
Sinking Fund, shall be used for costs incurred by or on behalf of 80843
the Commissioners of the Sinking Fund and the Ohio Public 80844
Facilities Commission with respect to State of Ohio general 80845
obligation bonds or notes, and the Treasurer of State with respect 80846
to State of Ohio general obligation and special obligation bonds 80847
or notes, including, but not limited to, printing, advertising, 80848
delivery, rating fees and the procurement of ratings, professional 80849
publications, membership in professional organizations, and other 80850
services referred to in division (D) of section 151.01 of the 80851
Revised Code. The General Revenue Fund shall be reimbursed for 80852
such costs relating to the issuance and administration of Highway 80853
Capital Improvement bonds or notes authorized under Ohio 80854
Constitution, Article VIII, Section 2m and Chapter 151. of the 80855
Revised Code. That reimbursement shall be made from appropriation 80856
item 155902, Highway Capital Improvement Bond Retirement Fund, by 80857
intrastate transfer voucher pursuant to a certification by the 80858
Office of the Sinking Fund of the actual amounts used. The amounts 80859
necessary to make such a reimbursement are hereby appropriated 80860
from the Highway Capital Improvement Bond Retirement Fund created 80861
in section 151.06 of the Revised Code. 80862

STABLE ACCOUNT ADMINISTRATION 80863

The foregoing appropriation item 090613, STABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program. 80864
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TAX REFUNDS 80867

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated. 80868
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Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS 80873
80874

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 701.20 of H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Treasury Management System. 80875
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Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM 80883
80884

The foregoing appropriation item 090610, OhioMeansJobs Workforce Development, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training. 80885
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Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 2022 may be used by the Treasurer of State to administer the program. 80889
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80891

Any unexpended and unencumbered portion of the foregoing 80892

appropriation item 090610, OhioMeansJobs Workforce Development, at 80893
the end of fiscal year 2022 is hereby reappropriated for the same 80894
purpose in fiscal year 2023. To the extent that reappropriated 80895
funds are available, of the foregoing appropriation item 090610, 80896
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 80897
2023 may be used by the Treasurer of State to administer the 80898
program. 80899

The Treasurer of State shall determine, during the second 80900
half of fiscal year 2023, if the cash balance and anticipated loan 80901
repayments to the OhioMeansJobs Workforce Development Revolving 80902
Loan Fund (Fund 5NH0), will be sufficient to meet the 80903
appropriation level of \$250,000 in fiscal year 2023. If those 80904
resources are insufficient, the Treasurer of State may submit a 80905
request to the Controlling Board for a transfer of up to \$325,000 80906
cash from the Controlling Board Emergency Purposes/Contingencies 80907
Fund (Fund 5KM0), to Fund 5NH0. 80908

Section 413.50. STATE PAY FOR SUCCESS CONTRACT FUND 80909

The foregoing appropriation item 090615, State Pay for 80910
Success Contract Fund, shall be used to fund a pay for success 80911
contract pursuant to sections 113.60 to 113.62 of the Revised 80912
Code, and an independent evaluator contract. The Treasurer of 80913
State, in consultation with the Director of Administrative 80914
Services, shall enter into a pay for success contract with 80915
OneFifteen Recovery, which may serve as both the service 80916
intermediary and service provider, and any service providers as 80917
required and as identified by the service intermediary, for the 80918
purpose of delivering the Providing Rigorous Outcomes Generating 80919
Reliable Effects and Strengthening Systems (PROGRESS) Program 80920
pursuant to a pay for success contract. As the service 80921
intermediary, OneFifteen Recovery may subcontract with one or more 80922
service providers to deliver the project, pursuant to section 80923

113.60 of the Revised Code. The Treasurer of State, in 80924
consultation with the Director of Administrative Services, shall 80925
initiate a contract with an independent evaluator. 80926

Any unexpended and unencumbered amount of the appropriation 80927
item 090615, State Pay for Success Contract Fund, remaining at the 80928
end of fiscal year 2022 is hereby reappropriated in fiscal year 80929
2023, to be used for the same purpose. 80930

Section 414.10. VTO VETERANS' ORGANIZATIONS 80931

General Revenue Fund 80932

VAP AMERICAN EX-PRISONERS OF WAR 80933

GRF 743501 State Support \$ 31,895 \$ 31,895 80934

VAN ARMY AND NAVY UNION, USA, INC. 80935

GRF 746501 State Support \$ 68,808 \$ 68,808 80936

VKW KOREAN WAR VETERANS 80937

GRF 747501 State Support \$ 62,400 \$ 62,400 80938

VJW JEWISH WAR VETERANS 80939

GRF 748501 State Support \$ 37,865 \$ 37,865 80940

VCW CATHOLIC WAR VETERANS 80941

GRF 749501 State Support \$ 72,800 \$ 72,800 80942

VPH MILITARY ORDER OF THE PURPLE HEART 80943

GRF 750501 State Support \$ 72,800 \$ 72,800 80944

VVV VIETNAM VETERANS OF AMERICA 80945

GRF 751501 State Support \$ 236,948 \$ 236,948 80946

VAL AMERICAN LEGION OF OHIO 80947

GRF 752501 State Support \$ 385,237 \$ 385,237 80948

VII AMVETS 80949

GRF 753501 State Support \$ 366,877 \$ 366,877 80950

VAV DISABLED AMERICAN VETERANS 80951

GRF 754501 State Support \$ 275,628 \$ 275,628 80952

VMC MARINE CORPS LEAGUE 80953

GRF 756501 State Support \$ 169,520 \$ 169,520 80954

		V37 37TH DIVISION VETERANS' ASSOCIATION				80955	
GRF	757501	State Support	\$	10,400	\$	10,400	80956
		VFW VETERANS OF FOREIGN WARS				80957	
GRF	758501	State Support	\$	314,246	\$	314,246	80958
TOTAL GRF		General Revenue Fund	\$	2,105,424	\$	2,105,424	80959
TOTAL ALL BUDGET FUND GROUPS			\$	2,105,424	\$	2,105,424	80960
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				80962	
		General Revenue Fund				80963	
GRF	900321	Veterans' Homes	\$	45,402,392	\$	45,393,691	80964
GRF	900402	Hall of Fame	\$	129,332	\$	135,813	80965
GRF	900408	Department of Veterans Services	\$	4,245,439	\$	4,247,659	80966
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,500,000	\$	1,500,000	80967
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,375,000	\$	5,000,000	80968
TOTAL GRF		General Revenue Fund	\$	56,652,163	\$	56,277,163	80969
		Dedicated Purpose Fund Group				80970	
4840	900603	Veterans' Homes Services	\$	720,775	\$	771,000	80971
4E20	900602	Veterans' Homes Operating	\$	9,810,523	\$	9,444,887	80972
5CV1	900607	COVID Safety - Ohio Veterans Homes	\$	2,000,000	\$	0	80973
5DB0	900643	Military Injury Relief Program	\$	55,800	\$	55,800	80974
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	80975
TOTAL DPF		Dedicated Purpose Fund	\$	13,087,098	\$	10,771,687	80976

Group

Debt Service Fund Group					80977	
7041 900615	Veteran Bonus Program	\$	187,286	\$	163,224	80978
	- Administration					
7041 900641	Persian Gulf,	\$	609,411	\$	221,420	80979
	Afghanistan, and Iraq					
	Compensation					
TOTAL DSF Debt Service						80980
Fund Group		\$	796,697	\$	384,644	80981
Federal Fund Group						80982
3680 900614	Veterans Training	\$	903,149	\$	922,108	80983
3BX0 900609	Medicare Services	\$	3,578,278	\$	3,578,278	80984
3L20 900601	Veterans' Homes	\$	27,183,376	\$	29,957,759	80985
	Operations - Federal					
TOTAL FED Federal Fund Group		\$	31,664,803	\$	34,458,145	80986
TOTAL ALL BUDGET FUND GROUPS		\$	102,200,761	\$	101,891,639	80987

VETERANS ORGANIZATIONS' RENT 80988

The foregoing appropriation item 900408, Department of 80989
Veterans Services, shall be used to pay veterans organizations' 80990
rent in buildings managed by the Department of Administrative 80991
Services. 80992

UNIFORMS TO UNIONS 80993

Of the foregoing appropriation item 900408, Department of 80994
Veterans Services, \$150,000 in each fiscal year shall be used by 80995
the Director of Veterans Services to make grants to the AFL-CIO 80996
for the Uniforms to Unions Ohio initiative and to hire an employee 80997
to run and promote the grant program. To the extent possible, the 80998
employee should be a veteran of the armed forces of the United 80999
States. Grant funds shall be used to recruit, retain, assist, and 81000
support National Guard, reserve, and active duty military member 81001
and veteran participation programs to connect participants with 81002

career training and employment.				81003
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				81004
The foregoing appropriation item 900901, Veterans				81005
Compensation General Obligation Bond Debt Service, shall be used				81006
to pay all debt service and related financing costs during the				81007
period from July 1, 2021, through June 30, 2023, on obligations				81008
issued under Section 2r of Article VIII, Ohio Constitution.				81009
Section 417.10. DVM VETERINARY MEDICAL LICENSING BOARD				81010
Dedicated Purpose Fund Group				81011
4K90 888609 Operating Expenses	\$	444,238	\$ 440,278	81012
TOTAL DPF Dedicated Purpose				81013
Fund Group	\$	444,238	\$ 440,278	81014
Internal Service Activity Fund Group				81015
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	81016
Loan Program				
TOTAL ISA Internal Service Activity				81017
Fund Group	\$	30,000	\$ 30,000	81018
TOTAL ALL BUDGET FUND GROUPS	\$	474,238	\$ 470,278	81019
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				81021
Dedicated Purpose Fund Group				81022
4K90 129609 Operating Expenses	\$	654,140	\$ 654,140	81023
TOTAL DPF Dedicated Purpose Fund	\$	654,140	\$ 654,140	81024
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	654,140	\$ 654,140	81025
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES				81027
General Revenue Fund				81028
GRF 470401 RECLAIM Ohio	\$	166,336,645	\$ 168,744,852	81029
GRF 470412 Juvenile Correctional	\$	16,250,000	\$ 18,900,000	81030

		Facilities Lease					
		Rental Bond Payments					
GRF	470510	Youth Services	\$	16,702,728	\$	16,702,728	81031
GRF	472321	Parole Operations	\$	9,899,086	\$	10,050,852	81032
GRF	477321	Administrative	\$	13,741,605	\$	14,036,850	81033
		Operations					
TOTAL GRF	General Revenue Fund		\$	222,930,064	\$	228,435,282	81034
		Dedicated Purpose Fund Group					81035
1470	470612	Vocational Education	\$	1,538,933	\$	1,416,746	81036
1750	470613	Education Services	\$	2,964,749	\$	2,546,450	81037
4790	470609	Employee Food Service	\$	20,300	\$	20,300	81038
4A20	470602	Child Support	\$	153,968	\$	90,968	81039
4G60	470605	Juvenile Special	\$	109,663	\$	109,663	81040
		Revenue - Non-Federal					
5BN0	470629	E-Rate Program	\$	59,000	\$	59,000	81041
TOTAL DPF	Dedicated Purpose						81042
Fund Group			\$	4,846,613	\$	4,243,127	81043
		Federal Fund Group					81044
3210	470601	Education	\$	974,805	\$	987,656	81045
3210	470603	Juvenile Justice	\$	2,289,557	\$	2,294,382	81046
		Prevention					
3210	470606	Nutrition	\$	930,000	\$	930,000	81047
3210	470614	Title IV-E	\$	3,386,344	\$	3,449,344	81048
		Reimbursements					
3V50	470604	Juvenile	\$	1,907,500	\$	1,907,501	81049
		Justice/Delinquency					
		Prevention					
TOTAL FED	Federal						81050
Fund Group			\$	9,488,206	\$	9,568,883	81051
TOTAL ALL BUDGET FUND GROUPS			\$	237,264,883	\$	242,247,292	81052
		COMMUNITY PROGRAMS					81053
		For purposes of implementing juvenile sentencing reforms, and					81054

notwithstanding any provision of law to the contrary, the 81055
Department of Youth Services may use up to \$1,375,000 of the 81056
unexpended, unencumbered balance of the portion of appropriation 81057
item 470401, RECLAIM Ohio, that is allocated to juvenile 81058
correctional facilities in each fiscal year to expand Targeted 81059
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 81060
other evidence-based community programs. 81061

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 81062

The foregoing appropriation item 470412, Juvenile 81063
Correctional Facilities Lease Rental Bond Payments, shall be used 81064
to meet all payments during the period from July 1, 2021, through 81065
June 30, 2023, by the Department of Youth Services under the 81066
leases and agreements for facilities made under Chapters 152. and 81067
154. of the Revised Code. These appropriations are the source of 81068
funds pledged for bond service charges on related obligations 81069
issued under Chapters 152. and 154. of the Revised Code. 81070

EDUCATION SERVICES 81071

The foregoing appropriation item 470613, Education Services, 81072
shall be used to fund the operating expenses of providing 81073
educational services to youth supervised by the Department of 81074
Youth Services. Operating expenses include, but are not limited 81075
to, teachers' salaries, maintenance costs, and educational 81076
equipment. 81077

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 81078

In collaboration with the county family and children first 81079
council, the juvenile court of that county that receives 81080
allocations from one or both of the foregoing appropriation items 81081
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 81082
portions of those allocations to a flexible funding pool as 81083
authorized by the section of this act titled "FAMILY AND CHILDREN 81084
FIRST FLEXIBLE FUNDING POOL." 81085

Section 503.10. PERSONAL SERVICE EXPENSES 81086

Unless otherwise prohibited by law, any appropriation from 81087
which personal service expenses are paid shall bear the employer's 81088
share of public employees' retirement, workers' compensation, 81089
disabled workers' relief, and insurance programs; the costs of 81090
centralized financial services, centralized payroll processing, 81091
and related reports and services; centralized human resources 81092
services, including affirmative action and equal employment 81093
opportunity programs; the Office of Collective Bargaining; 81094
centralized information technology management services; 81095
administering the enterprise resource planning system; and 81096
administering the state employee merit system as required by 81097
section 124.07 of the Revised Code. These costs shall be 81098
determined in conformity with the appropriate sections of law and 81099
paid in accordance with procedures specified by the Office of 81100
Budget and Management. Expenditures from appropriation item 81101
070601, Public Audit Expense - Intra-State, may be exempted from 81102
the requirements of this section. 81103

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 81104
AGAINST THE STATE 81105

Except as otherwise provided in this section, an 81106
appropriation in this act or any other act may be used for the 81107
purpose of satisfying judgments, settlements, or administrative 81108
awards ordered or approved by the Court of Claims or by any other 81109
court of competent jurisdiction in connection with civil actions 81110
against the state. This authorization does not apply to 81111
appropriations to be applied to or used for payment of guarantees 81112
by or on behalf of the state, or for payments under lease 81113
agreements relating to, or debt service on, bonds, notes, or other 81114
obligations of the state. Notwithstanding any other statute to the 81115
contrary, this authorization includes appropriations from funds 81116

into which proceeds of direct obligations of the state are 81117
deposited only to the extent that the judgment, settlement, or 81118
administrative award is for, or represents, capital costs for 81119
which the appropriation may otherwise be used and is consistent 81120
with the purpose for which any related obligations were issued or 81121
entered into. Nothing contained in this section is intended to 81122
subject the state to suit in any forum in which it is not 81123
otherwise subject to suit, and is not intended to waive or 81124
compromise any defense or right available to the state in any suit 81125
against it. 81126

Section 503.30. CAPITAL PROJECT SETTLEMENTS 81127

This section specifies an additional and supplemental 81128
procedure to provide for payments of judgments and settlements if 81129
the Director of Budget and Management determines, pursuant to 81130
division (C)(4) of section 2743.19 of the Revised Code, that 81131
sufficient unencumbered moneys do not exist in the fund to support 81132
a particular appropriation to pay the amount of a final judgment 81133
rendered against the state or a state agency, including the 81134
settlement of a claim approved by a court, in an action upon and 81135
arising out of a contractual obligation for the construction or 81136
improvement of a capital facility if the costs under the contract 81137
were payable in whole or in part from a state capital projects 81138
appropriation. In such a case, the Director may either proceed 81139
pursuant to division (C)(4) of section 2743.19 of the Revised Code 81140
or apply to the Controlling Board to increase an appropriation or 81141
create an appropriation out of any unencumbered moneys in the 81142
state treasury to the credit of the capital projects fund from 81143
which the initial state appropriation was made. The amount of an 81144
increase in appropriation or new appropriation approved by the 81145
Controlling Board is hereby appropriated from the applicable 81146
capital projects fund and made available for the payment of the 81147
judgment or settlement. 81148

If the Director does not make the application authorized by 81149
this section or the Controlling Board disapproves the application, 81150
and the Director does not make application under division (C)(4) 81151
of section 2743.19 of the Revised Code, the Director shall for the 81152
purpose of making that payment make a request to the General 81153
Assembly as provided for in division (C)(5) of that section. 81154

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 81155

In order to provide funds for the reissuance of voided 81156
warrants under section 126.37 of the Revised Code, there is hereby 81157
appropriated, out of moneys in the state treasury from the fund 81158
credited as provided in section 126.37 of the Revised Code, that 81159
amount sufficient to pay such warrants when approved by the Office 81160
of Budget and Management. 81161

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 81162
BALANCES OF OPERATING APPROPRIATIONS 81163

(A) Notwithstanding the original year of appropriation or 81164
encumbrance, the unexpended balance of an operating appropriation 81165
or reappropriation that a state agency lawfully encumbered prior 81166
to the close of fiscal year 2021 or fiscal year 2022 is hereby 81167
reappropriated on the first day of July of the following fiscal 81168
year from the fund from which it was originally appropriated or 81169
reappropriated for the period of time listed in this section and 81170
shall remain available only for the purpose of discharging the 81171
encumbrance: 81172

(1) For an encumbrance for personal services, maintenance, 81173
equipment, or items for resale not otherwise identified in this 81174
section, for a period of not more than five months from the end of 81175
the fiscal year; 81176

(2) For an encumbrance for an item of special order 81177
manufacture not available on state contract or in the open market, 81178

for a period of not more than five months from the end of the 81179
fiscal year or, with the written approval of the Director of 81180
Budget and Management, for a period of not more than twelve months 81181
from the end of the fiscal year; 81182

(3) For an encumbrance for reclamation of land or oil and gas 81183
wells, for a period ending when the encumbered appropriation is 81184
expended provided such period does not extend beyond the FY 2022 - 81185
FY 2023 biennium; 81186

(4) For an encumbrance for any other type of expense not 81187
otherwise identified in division (A)(1), (2), or (3) of this 81188
section, for such period as the Director approves, provided such 81189
period does not extend beyond the FY 2022 - FY 2023 biennium. 81190

(B) Any operating appropriations for which unexpended 81191
balances are reappropriated in fiscal year 2022 or fiscal year 81192
2023 pursuant to division (A)(2) of this section shall be reported 81193
to the Controlling Board by the Director of Budget and Management 81194
by the thirty-first day of December of each year. The report shall 81195
include the item, the cost of the item, and the name of the 81196
vendor. The report shall be updated on a quarterly basis for 81197
encumbrances remaining open. 81198

(C) Upon the expiration of the reappropriation period set out 81199
in division (A) of this section, a reappropriation made by this 81200
section lapses and the Director of Budget and Management shall 81201
cancel the encumbrance of the unexpended reappropriation not later 81202
than the end of the weekend following the expiration of the 81203
reappropriation period. 81204

(D) If the Controlling Board approved a purchase, that 81205
approval remains in effect so long as the appropriation used to 81206
make that purchase remains encumbered. 81207

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 81208

(A) The Director of Budget and Management may correct 81209
accounting errors committed by the staff of the Office of Budget 81210
and Management, such as reestablishing encumbrances or 81211
appropriations canceled in error, during the cancellation of 81212
operating encumbrances in November and of non-operating 81213
encumbrances in December. 81214

(B) The Director of Budget and Management may at any time 81215
correct accounting errors committed by staff or a state agency or 81216
state institution of higher education, as defined in section 81217
3345.011 of the Revised Code, such as reestablishing prior year 81218
non-operating encumbrances canceled or modified in error. The 81219
reestablished encumbrance amounts are hereby appropriated. 81220

Section 503.70. TEMPORARY REVENUE HOLDING 81221

The Director of Budget and Management may create funds in the 81222
state treasury solely for the purpose of temporarily holding 81223
revenue required to be credited to a fund in the state treasury, 81224
whose disposition is not immediately known at the time of receipt. 81225
Once identified, the Director shall credit the revenue to the 81226
appropriate fund in the state treasury. 81227

Upon certification by a director or head of a state agency, 81228
the Director of Budget and Management may create funds in the 81229
state treasury on behalf of an agency when the agency is required 81230
by law to detain funds in escrow. The Director of Budget and 81231
Management may transfer cash between funds within the state 81232
treasury to satisfy escrow requirements. 81233

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 81234
RE-ESTABLISHMENT OF ENCUMBRANCES 81235

Any cash transferred by the Director of Budget and Management 81236
under section 126.15 of the Revised Code is hereby appropriated. 81237
Any amounts necessary to re-establish appropriations or 81238

encumbrances under section 126.15 of the Revised Code are hereby 81239
appropriated. 81240

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 81241

The Director of Budget and Management may transfer 81242
appropriations between the Third Frontier Research and Development 81243
Fund (Fund 7011) and the Third Frontier Research and Development 81244
Taxable Bond Fund (Fund 7014) as necessary to maintain the 81245
exclusion from the calculation of gross income for federal income 81246
taxation purposes under the Internal Revenue Code with respect to 81247
obligations issued to fund projects appropriated from the Third 81248
Frontier Research and Development Fund (Fund 7011). 81249

The Director may also create new appropriation items within 81250
the Third Frontier Research and Development Taxable Bond Fund 81251
(Fund 7014) and make transfers of appropriations to them for 81252
projects originally funded from appropriations made from the Third 81253
Frontier Research and Development Fund (Fund 7011). 81254

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 81255

There are hereby appropriated out of any moneys in the state 81256
treasury to the credit of the General Revenue Fund, which are not 81257
otherwise appropriated, funds sufficient to make any payment 81258
required by division (B)(2) of section 5747.03 of the Revised 81259
Code. 81260

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 81261
APPROVED BY THE CONTROLLING BOARD 81262

Any money that the Controlling Board approves for expenditure 81263
or any increase in appropriation that the Controlling Board 81264
approves under sections 127.14, 131.35, and 131.39 of the Revised 81265
Code or any other provision of law is hereby appropriated for the 81266
period ending June 30, 2023. 81267

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE	81268 81269
If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.	81270 81271 81272 81273
Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	81274
Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.	81275 81276 81277 81278 81279 81280
Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE	81281
Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.	81282 81283 81284 81285 81286 81287 81288
Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS	81289 81290
The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2021, through June 30, 2023, relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised	81291 81292 81293 81294 81295

Code, and acts of the General Assembly. Payments shall be made 81296
upon certification by the Treasurer of State of the dates and the 81297
amounts due on those dates. 81298

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 81299

If it is determined that a payment is necessary in the amount 81300
computed at the time to represent the portion of investment income 81301
to be rebated or amounts in lieu of or in addition to any rebate 81302
amount to be paid to the federal government in order to maintain 81303
the exclusion from gross income for federal income tax purposes of 81304
interest on those state obligations under section 148(f) of the 81305
Internal Revenue Code, such an amount is hereby appropriated from 81306
those funds designated by or pursuant to the applicable 81307
proceedings authorizing the issuance of state obligations. 81308

Payments for this purpose shall be approved and vouchered by 81309
the Office of Budget and Management. 81310

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 81311

Whenever the Director of Budget and Management determines 81312
that an appropriation made to a state agency from a fund of the 81313
state is insufficient to provide for the recovery of statewide 81314
indirect costs under section 126.12 of the Revised Code, the 81315
amount required for such purpose is hereby appropriated from the 81316
available receipts of such fund. 81317

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 81318
COST ALLOCATION PLAN 81319

The total transfers made from the General Revenue Fund by the 81320
Director of Budget and Management under this section shall not 81321
exceed the amounts transferred into the General Revenue Fund under 81322
section 126.12 of the Revised Code. 81323

The director of an agency may certify to the Director of 81324

Budget and Management the amount of expenses not allowed to be 81325
included in the Statewide Indirect Cost Allocation Plan under 81326
federal regulations, from any fund included in the Statewide 81327
Indirect Cost Allocation Plan, prepared as required by section 81328
126.12 of the Revised Code. 81329

Upon determining that no alternative source of funding is 81330
available to pay for such expenses, the Director of Budget and 81331
Management may transfer cash from the General Revenue Fund into 81332
the fund for which the certification is made, up to the amount of 81333
the certification. The director of the agency receiving such funds 81334
shall include, as part of the next budget submission prepared 81335
under section 126.02 of the Revised Code, a request for funding 81336
for such activities from an alternative source such that further 81337
federal disallowances would not be required. 81338

The director of an agency may certify to the Director of 81339
Budget and Management the amount of expenses paid in error from a 81340
fund included in the Statewide Indirect Cost Allocation Plan. The 81341
Director of Budget and Management may transfer cash from the fund 81342
from which the expenditure should have been made into the fund 81343
from which the expenses were erroneously paid, up to the amount of 81344
the certification. 81345

The director of an agency may certify to the Director of 81346
Budget and Management the amount of expenses or revenues not 81347
allowed to be included in the Statewide Indirect Cost Allocation 81348
Plan under federal regulations, for any fund included in the 81349
Statewide Indirect Cost Allocation Plan, for which the federal 81350
government requires payment. If the Director of Budget and 81351
Management determines that an appropriation made to a state agency 81352
from a fund of the state is insufficient to pay the amount 81353
required by the federal government, the amount required for such 81354
purpose is hereby appropriated from the available receipts of such 81355
fund, up to the amount of the certification. 81356

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 81357

Notwithstanding any provision of law to the contrary, on or 81358
before the first day of September of each fiscal year, the 81359
Director of Budget and Management, in order to reduce the payment 81360
of adjustments to the federal government, as determined by the 81361
plan prepared under division (A) of section 126.12 of the Revised 81362
Code, may designate such funds as the Director considers necessary 81363
to retain their own interest earnings. 81364

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 81365

Pursuant to the plan for compliance with the Federal Cash 81366
Management Improvement Act required by section 131.36 of the 81367
Revised Code, the Director of Budget and Management may cancel and 81368
re-establish all or part of encumbrances in like amounts within 81369
the funds identified by the plan. The amounts necessary to 81370
re-establish all or part of encumbrances are hereby appropriated. 81371

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 81372

Notwithstanding section 113.09 of the Revised Code, the 81373
Director of Budget and Management may designate any fund within 81374
the state treasury that receives federal revenue to be credited 81375
with investment earnings to comply with federal law. 81376

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF
INTEREST EARNED 81377
81378

Notwithstanding any provision of law to the contrary, the 81379
Director of Budget and Management, through June 30, 2023, may 81380
transfer interest earned by any state fund to the General Revenue 81381
Fund. This section does not apply to funds whose source of revenue 81382
is restricted or protected by the Ohio Constitution, federal tax 81383
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 81384

1058 (1990), 31 U.S.C. 6501 et seq., as amended. 81385

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 81386
FROM NON-GRF FUNDS 81387

Notwithstanding any provision of law to the contrary, the 81388
Director of Budget and Management may transfer up to \$200,000,000 81389
cash, during the biennium ending June 30, 2023, from non-General 81390
Revenue Funds that are not constitutionally restricted to the 81391
General Revenue Fund. 81392

Section 509.30. UNCLAIMED FUND REMITTANCE 81393

Notwithstanding division (A) of section 169.05 of the Revised 81394
Code, on July 1, 2021, or as soon as possible thereafter, the 81395
Director of Budget and Management shall request the Director of 81396
Commerce to remit for deposit into the Law Enforcement 81397
Reimbursement Training Fund (Fund 5XZ0), which is hereby created 81398
in the state treasury, \$15,000,000 of unclaimed funds that have 81399
been reported by holders of unclaimed funds under section 169.05 81400
of the Revised Code and have been unclaimed for thirty years or 81401
more after becoming unclaimed funds, irrespective of the 81402
allocation of the unclaimed funds under that section. The Director 81403
of Commerce shall remit the funds at the time requested by the 81404
Director of Budget and Management. 81405

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 81406

On October 1, 2021, or as soon as possible thereafter, the 81407
Director of Commerce and the Executive Director of the Board of 81408
Pharmacy shall consult with the Director of Budget and Management 81409
to determine a repayment schedule for the biennium ending June 30, 81410
2023, to fully repay transfers on behalf of each agency from the 81411
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 81412
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 81413

Department of Commerce and the Board of Pharmacy in accordance 81414
with this repayment schedule shall be credited to the General 81415
Revenue Fund. 81416

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 81417
FUND 81418

On July 1, 2021, or as soon as possible thereafter, the 81419
Director of Budget and Management may transfer up to \$20,000,000 81420
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 81421
5MJ0). 81422

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 81423
TREATMENT AND PREVENTION FUND 81424

Notwithstanding any provision of law to the contrary, in each 81425
fiscal year of the biennium ending June 30, 2023, the Director of 81426
Budget and Management may transfer up to \$5,000,000 cash from the 81427
General Revenue Fund to the Statewide Treatment and Prevention 81428
Fund (Fund 4750). 81429

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 81430
COMMUNITY POLICE RELATIONS FUND 81431

Notwithstanding any provision of law to the contrary, in 81432
fiscal year 2023, the Director of Budget and Management may 81433
transfer up to \$1,150,000 cash from the General Revenue Fund to 81434
the Statewide Community Police Relations Fund (Fund 5RS0). 81435

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 81436
ADDICTION PROGRAM FUND 81437

Notwithstanding any provision of law to the contrary, in each 81438
fiscal year of the biennium ending June 30, 2023, the Director of 81439
Budget and Management may transfer up to \$24,000,000 cash from the 81440
General Revenue Fund to the Targeted Addiction Program Fund (Fund 81441

5TZ0). 81442

Section 512.50. GENERAL REVENUE FUND TRANSFER TO STATE PAY 81443
FOR SUCCESS CONTRACT FUND 81444

The Director of Budget and Management shall transfer 81445
\$1,000,000 cash from the General Revenue Fund to the State Pay for 81446
Success Contract Fund (Fund 5VZ0) on July 1, 2021, or as soon as 81447
possible thereafter. 81448

Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT 81449
WELLNESS AND SUCCESS FUND 81450

Notwithstanding any provision of law to the contrary, the 81451
Director of Budget and Management may transfer up to \$500,000,000 81452
cash in fiscal year 2022 and up to \$600,000,000 cash in fiscal 81453
year 2023 from the General Revenue Fund to the Student Wellness 81454
and Success Fund (Fund 5VS0), which is hereby created in the state 81455
treasury. 81456

Section 512.80. GENERAL REVENUE FUND TRANSFER TO AT HOME 81457
TECHNOLOGY PILOT FUND 81458

On July 1 of each fiscal year, the Director of Budget and 81459
Management shall transfer \$250,000 cash from the General Revenue 81460
Fund to the At Home Technology Pilot Fund (Fund 5XT0), which is 81461
hereby created in the state treasury. 81462

Section 512.90. GENERAL REVENUE FUND TRANSFER TO OHIO 81463
COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL FUND 81464

On July 1, 2021, or as soon as possible thereafter, the 81465
Director of Budget and Management shall transfer \$400,000 cash 81466
from the General Revenue Fund to the Ohio Commission for the U.S. 81467
Semiquincentennial Fund (Fund 5XV0), which is hereby created in 81468
the state treasury. 81469

Section 512.100. GENERAL REVENUE FUND TRANSFER TO MEAT 81470
PROCESSING INVESTMENT FUND 81471

On July 1, 2021, or as soon as possible thereafter, the 81472
Director of Budget and Management shall transfer \$10,000,000 cash 81473
from the General Revenue Fund to the Meat Processing Investment 81474
Program Fund (Fund 5XX0), which is hereby created in the state 81475
treasury. 81476

Section 513.10. FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING 81477
BALANCE 81478

Notwithstanding section 131.44 of the Revised Code, the 81479
Director of Budget and Management shall determine the surplus 81480
General Revenue Fund revenue that existed on June 30, 2021. 81481
Notwithstanding any provision of law to the contrary, except for 81482
the transfers listed in this section, the surplus shall remain in 81483
the General Revenue Fund. The Director shall transfer cash, not to 81484
exceed the amount of the surplus revenue from the General Revenue 81485
Fund in the following order: 81486

(A) Up to \$1,200,000,000 cash to the Health and Human 81487
Services Fund (Fund 5SA4); 81488

(B) Up to \$190,000,000 cash to the Ohio Residential Broadband 81489
Expansion Grant Program Fund (Fund 5XU0); 81490

(C) Up to \$155,000,000 cash to the Investing in Ohio Fund 81491
(Fund 5XM0); 81492

(D) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20); 81493

(E) Up to \$25,000,000 cash to the Emergency Purposes Fund 81494
(Fund 5KM0); 81495

(F) Up to \$25,000,000 cash to the Disaster Services Fund 81496
(Fund 5E20); 81497

(G) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund 81498

(Fund 5BX0); and				81499
(H) Up to \$16,000,000 cash to the Ohio Governor Imagination Library Fund (Fund 5VJ0).				81500 81501
Section 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND ENDING BALANCE				81502 81503
Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2022, shall remain in the General Revenue Fund.				81504 81505 81506
Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS				81507
Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:				81508 81509 81510 81511 81512
<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>	81513
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 101,130	\$ 101,130	81514
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,300,000	\$ 1,300,000	81515
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 325,370	\$ 332,287	81516
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,368,624	\$ 1,378,304	81517

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 81518

(A) On July 1, 2021, or as soon as possible thereafter, the 81519
Director of Budget and Management shall transfer the cash balance 81520
from each of the funds as indicated in the table below to the fund 81521
also indicated in the table below. Upon completion of each 81522
transfer and on the effective date of its repeal by this act, 81523
where applicable, the fund from which the cash balance was 81524
transferred is hereby abolished. 81525

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AG0	5L50	Law Enforcement Assistance Fund	4210	Peace Officer Training Academy Fee	81528
AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund	81529
DNR	2040	Information Services	1570	Central Support Indirect Chargeback	81530
DNR	2050	Human Resources Direct Services	1570	Central Support Indirect Chargeback	81531
DNR	2230	Law Enforcement Administration	1570	Central Support Indirect Chargeback	81532
DNR	6350	Fountain Square Management	1570	Central Support Indirect Chargeback	81533
DPS	3290	Disaster Services Plan and Grant Administration	3370	Disaster Relief Fund	81534
DPS	3N50	US DOE Grant	3370	Disaster Relief Fund	81535
EDU	3FD0	Race to the Top	GRF	GRF	81536
EDU	4550	Commodity Foods Fund	1380	Computer Services Fund	81537
MCD	5SC0	Medicaid Services - Physical UPL	5AN0	Care Innovation and Community	81538

Improvement Program

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name	
DPS	3DU0	Public Safety Federal Grants	81542
DPS	3FK0	Justice Assistance Grant FFY11	81543
DPS	3FY0	Justice Assistance Grant FFY12	81544
DPS	3FZ0	Justice Assistance Grant FFY13	81545
DPS	3GA0	Justice Assistance Grant FFY15	81546

Section 518.10. (A) As used in Sections 518.10 to 518.16 of this act, "business certification programs" means the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, and the Veteran-friendly Business Procurement program.

(B) On July 1, 2021, the administration of the business certification programs shall be transferred from the Department of Administrative Services to the Department of Development.

(C) Business related to the business certification programs commenced but not completed by the Department of Administrative Services on July 1, 2021, shall be completed by the Department of Development, as appropriate, in the same manner, and with the same effect, as if completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Development or the Department of Development, as appropriate.

(D) The rules, orders, and determinations of the Department of Administrative Services pertaining to the business certification programs continue in effect as rules, orders, and determinations of the Department of Development until modified or

rescinded by that agency. 81569

(E) No judicial or administrative action or proceeding 81570
pending on July 1, 2021, is affected by the transfer of functions 81571
related to the business certification programs from the Director 81572
of Administrative Services or the Department of Administrative 81573
Services to the Director of Development or the Department of 81574
Development, and those actions related to the administration of 81575
these programs shall be prosecuted or defended in the name of the 81576
Director of Development or the Department of Development, as 81577
appropriate. On application to the court or other tribunal, the 81578
Director of Development or the Department of Development, 81579
whichever is appropriate, shall be substituted as a party in such 81580
actions and proceedings. 81581

(F) When the Equal Employment Coordinator, the Director of 81582
Administrative Services, or the Department of Administrative 81583
Services is referred to in any rule, contract, grant, or other 81584
document related to the administration of the business 81585
certification programs, the reference is deemed to refer to the 81586
Director or Department of Development, as appropriate. 81587

(G) The Director of Development, not later than September 1, 81588
2023, and with the cooperation of the Director of Administrative 81589
Services, shall submit a report to the General Assembly and to the 81590
Governor regarding the effects of transferring the business 81591
certification programs from the Department of Administrative 81592
Services to the Department of Development. The report shall 81593
include all of the following: 81594

(1) Data regarding the number of businesses certified as 81595
participants in each business certification program from the 81596
period beginning July 1, 2021, and ending on July 1, 2023, 81597
compared to the number certified in the two years before July 1, 81598
2021, by the Department of Administrative Services, if that data 81599
is available. 81600

(2) Data regarding the number of days required to complete the certification process for each applicant to each business certification program during the period beginning July 1, 2021, and ending on July 1, 2023, compared to the number of days required to complete the certification process for each applicant during the two years before July 1, 2021, by the Department of Administrative Services, if that data is available.

(3) Information regarding the number of employees transferred and the number of employees laid off pursuant to Section 518.12 of this act.

(4) The number of complaints received by the Department of Development from applicants to the business certification programs, regarding the application and certification process, during the period beginning July 1, 2021, and ending on July 1, 2023, compared to the number received in the two years before July 1, 2021, by the Department of Administrative Services, if that data is available.

Section 518.11. Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the transfer of the business certification programs from the Department of Administrative Services to the Department of Development and the reassignment of certain functions and duties of the Department of Administrative Services by this act are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

Section 518.12. (A) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, those employees of the Department of Administrative Services who administer the business certification programs are transferred to the Department of Development.

(B)(1) During the period beginning July 1, 2021, and ending

June 30, 2022, the Director of Development may establish, change, 81631
and abolish positions of the Department of Development and assign, 81632
reassign, classify, reclassify, transfer, reduce, promote, or 81633
demote all employees of the Department who are not subject to 81634
Chapter 4117. of the Revised Code. 81635

(2) The authority granted under division (B)(1) of this 81636
section includes assigning or reassigning an exempt employee, as 81637
defined in section 124.152 of the Revised Code, to a bargaining 81638
unit classification if the Director determines that the bargaining 81639
unit classification is the proper classification for that 81640
employee. If an employee in the E-1 pay range is to be assigned, 81641
reassigned, classified, reclassified, transferred, reduced, or 81642
demoted to a position in a lower classification during the period 81643
specified in division (B)(1) of this section, the Director of 81644
Development, or in the case of transfer outside the Department of 81645
Development, the Director of Administrative Services, shall assign 81646
the employee to the appropriate classification and place the 81647
employee in Step X. The employee shall not receive any increase in 81648
compensation until the maximum rate of pay for that classification 81649
exceeds the employee's compensation. 81650

(3) Actions taken by the Director of Development pursuant to 81651
division (B)(1) of this section are not subject to appeal to the 81652
State Personnel Board of Review. 81653

Section 518.13. The Director of Development may enter into 81654
one or more contracts with private or government entities for 81655
staff training and development to facilitate the transfer of staff 81656
and duties related to the business certification programs from the 81657
Department of Administrative Services to the Department of 81658
Development. Division (B) of section 127.16 of the Revised Code 81659
does not apply to contracts entered into under this section. 81660

Section 518.14. Notwithstanding division (D) of section 81661
127.14 and section 131.35 of the Revised Code, except for the 81662
General Revenue Fund, the Controlling Board may, upon the request 81663
of the Director of Development, increase appropriations for any 81664
fund, as necessary, to assist in paying either or both of the 81665
following as a result of the transfer described in Sections 518.10 81666
to 518.13 of this act: (1) The costs of increases in employee 81667
compensation that occur on or after July 1, 2021, pursuant to 81668
collective bargaining agreements under Chapter 4117. of the 81669
Revised Code; (2) The costs of salary increases on or after July 81670
1, 2021, for employees who are exempt from collective bargaining 81671
that are provided under law. Such amounts are hereby appropriated. 81672

Section 518.15. (A) Notwithstanding any provision of the law 81673
to the contrary, on or after the effective date of this section, 81674
the Director of Budget and Management shall make budget and 81675
accounting changes made necessary by the transfer described in 81676
Section 518.10 of this act, including administrative organization, 81677
program transfers, the renaming of funds, the creating of new 81678
funds, the transfer of state funds and the consolidation of funds 81679
as authorized by Section 518.10 of this act. The Director may, if 81680
necessary, cancel or establish encumbrances or parts of 81681
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 81682
and appropriation items for the same purpose and for payment to 81683
the same vendor. The established encumbrances are hereby 81684
appropriated. 81685

(B) All records, documents, files, equipment, assets, and 81686
other materials of the business certification programs are 81687
transferred from the Department of Administrative Services to the 81688
Department of Development. 81689

Section 518.16. (A) On and after July 1, 2021, the Director 81690

of the Legislative Service Commission shall renumber the rules of 81691
the Department of Administrative Services set forth in Chapter 81692
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 81693
the Ohio Administrative Code to reflect their transfer to the 81694
Department of Development. 81695

(B) Notwithstanding section 121.95 of the Revised Code, any 81696
new rules or amendments to the rules implementing sections 81697
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 81698
proposed before June 30, 2023, are not subject to division (F) of 81699
section 121.95 of the Revised Code. 81700

Section 518.20. On the effective date of this section, the 81701
Development Services Agency is renamed the Department of 81702
Development and the Director of Development Services is 81703
redesignated the Director of Development. 81704

All of the Development Services Agency's rules, orders, and 81705
determinations continue in effect as rules, orders, and 81706
determinations of the Department of Development until modified or 81707
rescinded by the Department. All employees of the Development 81708
Services Agency continue with the Department of Development and 81709
retain their positions and all benefits accruing thereto. Except 81710
as otherwise noted in law, whenever the Development Services 81711
Agency or the Director of Development Services is referred to in a 81712
statute, rule, contract, or other instrument, the reference is 81713
deemed to refer to the Department of Development or to the 81714
Director of Development, whichever is appropriate in context. No 81715
pending action or proceeding being prosecuted or defended in court 81716
or before an agency by the Development Services Agency or by the 81717
Director of Development Services is affected by the renaming and 81718
shall be prosecuted or defended in the name of the Department of 81719
Development or the Director of Development, whichever is 81720
appropriate. Upon application to the court or agency, the 81721

Department of Development or the Director of Development shall be 81722
substituted. 81723

Section 518.30. (A) On December 30, 2021, the Southern Ohio 81724
Agricultural Community Development Foundation is hereby abolished. 81725
The Department of Agriculture is successor to and assumes any 81726
remaining obligations and authority of the Foundation. Any 81727
business commenced, but not completed by the Foundation, shall be 81728
completed by the Department in the same manner and with the same 81729
effect as if completed by the Foundation. Any validation, right, 81730
cure, privilege, remedy, obligation, or liability is not lost or 81731
impaired solely by this abolishment and shall be administered by 81732
the Department. Any action or proceeding pending on the effective 81733
date of this section is not affected by the abolishment of the 81734
Foundation and shall be defended in the name of the Department. In 81735
all such actions and proceedings, the Department may be 81736
substituted as a party upon application to the court or other 81737
tribunal. 81738

(B) Notwithstanding any provision of law to the contrary, the 81739
Department of Agriculture shall designate the positions and 81740
employees of the Foundation, if any, to be transferred to the 81741
Department. Any employee transferred to the Department retains the 81742
employee's respective classification. However, the Department may 81743
reassign and reclassify the employee's position and compensation 81744
as the Department determines to be in the best interest of the 81745
Department. The Department shall assist with and provide payment 81746
for the filing fees of any required financial disclosure 81747
statements of members of the board of trustees or employees of the 81748
Foundation for calendar year 2021. 81749

(C) Notwithstanding section 145.297 of the Revised Code, the 81750
Department may, at the Department's discretion and with the 81751
approval of the Office of Budget and Management, establish a 81752

retirement incentive plan for eligible employees of the Foundation 81753
who are members of the Public Employee Retirement System. Any 81754
retirement incentive plan established pursuant to this section 81755
shall remain in effect until December 29, 2021. 81756

(D) On or before December 30, 2021, all equipment, assets, 81757
supplies, records, and other property of the Foundation are 81758
transferred to the Department of Agriculture or shall be disposed 81759
of in a lawful manner. 81760

(E) On December 30, 2021, all rules of the Foundation are 81761
hereby rescinded. 81762

(F) On December 30, 2021, or as soon as possible thereafter, 81763
the Director of Budget and Management shall transfer the cash 81764
balance in the Southern Ohio Agricultural and Community 81765
Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud 81766
Marketing Fund (Fund 4R00). Upon completion of the transfer, the 81767
Southern Ohio Agricultural and Community Development Operating 81768
Expenses Fund (Fund 5M90) is hereby abolished. The Director of 81769
Budget and Management shall cancel any existing encumbrances 81770
against appropriation item 945601, Operating Expenses, and 81771
re-establish them against 700636, Ohio Proud Marketing. The 81772
re-established amounts are hereby appropriated. 81773

On December 30, 2021, or as soon as possible thereafter, the 81774
Treasurer of State shall remit the cash balance of the Southern 81775
Ohio Agricultural and Community Development Foundation Endowment 81776
Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion 81777
of this remittance, the Southern Ohio Agricultural and Community 81778
Development Foundation Endowment Fund is hereby abolished. 81779

No cash transferred or remitted under this division shall be 81780
used to hire an executive agency lobbyist as defined under section 81781
121.60 of the Revised Code, or a legislative agent, as defined 81782
under section 101.70 of the Revised Code. 81783

(G) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall, in consultation with the Department of Administrative Services and the Office of Budget and Management, attend to any matters associated with winding up the affairs of the Southern Ohio Agricultural and Community Development Foundation including but not limited to coordination of a final audit of the Foundation. If it is determined by the Director of Agriculture that additional appropriation is necessary in appropriation item 945601, Operating Expenses, or after December 30, 2021, in appropriation item 700636, Ohio Proud Marketing, to wind up the affairs of the Foundation including to pay for any final audit or other expenditures of the Foundation, the Director of Agriculture shall certify the amount of additional appropriation needed to the Director of Budget and Management. Upon the approval of the Director of Budget and Management, amounts up to those certified by the Director of Agriculture are hereby appropriated for that purpose.

(H) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management may make accounting and budgeting changes necessary to effectuate this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2022 and 2023 in the appropriate fund and appropriation item for the same purpose and for payment to the same vendor.

Section 518.40. (A)(1) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, or as soon thereafter as can be effectuated, any employees of the Department of Health identified necessary to the operation of a central warehouse are transferred to the Department of Administrative Services. The employees shall retain their positions and benefits.

(2) The Director of Administrative Services may establish, 81816
change, and abolish positions of the Department of Health and 81817
assign, reassign, classify, reclassify, transfer, reduce, promote, 81818
or demote all employees of the Department of Health who are not 81819
subject to Chapter 4117. of the Revised Code. 81820

(3) The authority granted under division (A)(2) of this 81821
section includes assigning or reassigning an exempt employee, as 81822
defined in section 124.152 of the Revised Code, to a bargaining 81823
unit classification if the Director of Administrative Services 81824
determines that the bargaining unit classification is the proper 81825
classification for that employee. If an employee in the E-1 pay 81826
range is to be assigned, reassigned, classified, reclassified, 81827
transferred, reduced, or demoted to a position in a lower 81828
classification during the period specified in division (A)(1) of 81829
this section, the Director of Administrative Services shall assign 81830
the employee to the appropriate classification and place the 81831
employee in Step X. The employee shall not receive any increase in 81832
compensation until the maximum rate of pay for that classification 81833
exceeds the employee's compensation. 81834

(4) Actions taken by the Director of Health or the Director 81835
of Administrative Services under this section are not subject to 81836
appeal to the State Personnel Board of Review. 81837

(5) On or after July 1, 2021, notwithstanding any provision 81838
of law to the contrary, the Director of Budget and Management may 81839
make budget changes made necessary by this section, including 81840
canceling encumbrances of the Department of Health and 81841
reestablishing them as encumbrances of the Department of 81842
Administrative Services. Any reestablished encumbrances are hereby 81843
appropriated. 81844

Section 610.04. That Section 5 of H.B. 123 of the 133rd 81845
General Assembly be amended to read as follows: 81846

Sec. 5. (A) As used in this section: 81847

(1) "Eligible internet- or computer-based community school" 81848
means the following: 81849

(a) For fiscal year 2021, an internet- or computer-based 81850
community school that was designated for the 2019-2020 school year 81851
as an internet- or computer-based community school in which a 81852
majority of the students were enrolled in a dropout prevention and 81853
recovery program and satisfies both of the following conditions: 81854

~~(a)(i)~~ The school does not have a for-profit operator; 81855

~~(b)(ii)~~ The school received a rating of "exceeds standards" 81856
on the combined graduation component of the most recent report 81857
card issued for the school under section 3314.017 of the Revised 81858
Code. 81859

(b) For fiscal years 2022 and 2023, an internet- or 81860
computer-based community school that participated in the program 81861
for fiscal year 2021. 81862

(2) "Formula amount" shall equal the amount specified in 81863
division (F)(1) of the section of H.B. 166 of the 133rd General 81864
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 81865
2021." 81866

(3) "Internet- or computer-based community school" has the 81867
same meaning as in section 3314.02 of the Revised Code. 81868

(B) The Department of Education shall establish a pilot 81869
program to provide additional funding for students enrolled in 81870
grades eight through twelve in eligible internet- or 81871
computer-based community schools for fiscal ~~year~~ years 2021, 2022, 81872
and 2023. An eligible internet- or computer-based community school 81873
may choose to participate in the program by notifying the 81874
Department of Education not later than ten days after ~~the~~ 81875
~~effective date of this section~~ December 21, 2020. 81876

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the 81877
Department of Education shall require each eligible internet- or 81878
computer-based community school that chooses to participate in the 81879
pilot program to report all information that is necessary to make 81880
payments under division (D) of this section. 81881

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the 81882
Department shall calculate an additional payment for each eligible 81883
internet- or computer-based community school that chooses to 81884
participate in the pilot program, as follows: 81885

(1) Compute the lesser of the following for each student 81886
enrolled in grades eight through twelve: 81887

(a) The formula amount X the maximum full-time equivalency 81888
for the portion of the school year for which the student is 81889
enrolled in the school; 81890

(b) The sum of the following: 81891

(i) A one-time payment of \$1,750. In the case of a student 81892
enrolled in the school for the first time for the 2020-2021, 81893
2021-2022, or 2022-2023 school year, payment shall be made under 81894
division (D)(1)(b)(i) of this section at least thirty days after 81895
the student is considered to be enrolled in the school in 81896
accordance with division (H)(2) of section 3314.08 of the Revised 81897
Code, provided the student has been continuously enrolled in the 81898
school during that time, as determined by the Department. In the 81899
case of a student that was enrolled in the school for the 81900
2019-2020, 2020-2021, or 2021-2022 school year, payment shall be 81901
made under division (D)(1)(b)(i) of this section at least thirty 81902
days after the student has started to participate in learning 81903
opportunities for the 2020-2021, 2021-2022, or 2022-2023 school 81904
year, provided the student has been continuously enrolled in the 81905
school during that time, as determined by the Department. 81906

(ii) The formula amount X (1/920) X the lesser of the number 81907

of hours the student participates in learning opportunities in 81908
that fiscal year or 920; 81909

(iii) The lesser of (\$500 X either the number of courses 81910
completed by the student in that fiscal year, in the case of a 81911
student enrolled in grade eight, or the number of credits earned 81912
by the student in that fiscal year, in the case of a student 81913
enrolled in grades nine through twelve) or \$2,500. 81914

(2) Compute the sum of the amounts calculated under division 81915
(D)(1) of this section for all students enrolled in grades eight 81916
through twelve. 81917

(3) Compute the school's payment in accordance with the 81918
following formula: 81919

The amount determined under division (D)(2) of this section) 81920
- (the total amount paid to the school for the fiscal year ~~2021~~ 81921
for which the payment is calculated under this section under 81922
division (C)(1)(a) of section 3314.08 of the Revised Code for 81923
students enrolled in grades eight through twelve) 81924

If the amount computed under division (D)(3) is a negative 81925
number, the school shall not receive a payment under this section. 81926

(E)(1) The Department shall complete a review of the 81927
enrollment of each eligible internet- or computer-based community 81928
school that chooses to participate in the pilot program in 81929
accordance with division (K) of section 3314.08 of the Revised 81930
Code. If the Department determines a school has been overpaid 81931
based on a review completed under division (E)(1) of this section, 81932
the Department shall require a repayment of the overpaid funds and 81933
may require the school to establish a plan to improve the 81934
reporting of enrollment. 81935

(2) The Department may require each eligible internet- or 81936
computer-based community school that chooses to participate in the 81937
pilot program to create a debt reduction plan approved by the 81938

school's sponsor, if determined appropriate by the Department. 81939

(3) To the extent that an eligible internet- or 81940
computer-based community school that chooses to participate in the 81941
pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 81942
school year, a percentage of student engagement in learning 81943
opportunities that was less than sixty-five per cent, the school 81944
shall provide to the Department a meaningful plan for increasing 81945
student engagement. 81946

(4) All eligible internet- or computer-based community 81947
schools that choose to participate in the pilot program shall 81948
implement programming or protocol which documents enrollment and 81949
participation in learning opportunities in order to participate in 81950
the program. 81951

(F) Upon completion of the pilot program, and not later than 81952
December 31, ~~2021~~ 2022, the Department shall issue a report on the 81953
program. For purposes of this report, the Department may request 81954
each eligible internet- or computer-based community school that 81955
chooses to participate in the pilot program to submit information 81956
to the Department on any of the following: 81957

(1) The time, resources, and cost associated with enrolling 81958
students in the school and preparing students to engage in 81959
learning opportunities; 81960

(2) The time and cost associated with providing counseling 81961
and other supports to students; 81962

(3) Student enrollment and participation data; 81963

(4) Individualized student plans; 81964

(5) An assessment of strategies used to improve student 81965
engagement and the percentage of participation in learning 81966
opportunities 81967

(6) Any other data the Department considers relevant. 81968

The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.

Section 610.05. That existing Section 5 of H.B. 123 of the 133rd General Assembly is hereby repealed.

Section 610.10. That Section 733.61 of H.B. 166 of the 133rd General Assembly be amended to read as follows:

Sec. 733.61. (A) Notwithstanding section 3319.236 of the Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through the 2022-2023 school ~~years~~ year only, a school district, community school established under Chapter 3314. of the Revised Code, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code may permit an individual who holds a valid educator license in any of grades seven through twelve to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal that provides content knowledge specific to the course the individual will teach. The superintendent or principal shall approve any professional development program endorsed by the organization that creates and administers the national Advanced Placement examinations as appropriate for the course the individual will teach.

(B) Nothing in this section shall permit an individual described in division (A) of this section to teach a computer science course in a school district or school other than the

school district or school that employed the individual at the time 81999
the individual completed the professional development program 82000
required by that division. 82001

(C) Beginning July 1, ~~2021~~ 2023, a school district or public 82002
school shall permit an individual to teach a computer science 82003
course only in accordance with section 3319.236 of the Revised 82004
Code. 82005

(D) Notwithstanding section 3301.012 of the Revised Code, as 82006
used in this section, "computer science course" means any course 82007
that is reported in the education management information system 82008
established under section 3301.0714 of the Revised Code as a 82009
computer science course. 82010

Section 610.11. That existing Section 733.61 of H.B. 166 of 82011
the 133rd General Assembly is hereby repealed. 82012

Section 610.115. That Section 12 of H.B. 197 of the 133rd 82013
General Assembly (as amended by H.B. 404 of the 133rd General 82014
Assembly) be amended to read as follows: 82015

Sec. 12. (A) As used in this section: 82016

"Hearing" means an administrative hearing, hearing as defined 82017
in section 119.01 of the Revised Code, or other hearing at which a 82018
person may present written or oral testimony on a matter before 82019
the public body. 82020

"Public body" and "meeting" have the meanings defined in 82021
section 121.22 of the Revised Code. 82022

(B) Members of a public body may hold and attend meetings and 82023
may conduct and attend hearings by means of teleconference, video 82024
conference, or any other similar electronic technology and all of 82025
the following apply: 82026

(1) Any resolution, rule, or formal action of any kind shall 82027
have the same effect as if it had occurred during an open meeting 82028
or hearing of the public body. 82029

(2) Notwithstanding division (C) of section 121.22 of the 82030
Revised Code, members of a public body who attend meetings or 82031
hearings by means of teleconference, video conference, or any 82032
other similar electronic technology, shall be considered present 82033
as if in person at the meeting or hearing, shall be permitted to 82034
vote, and shall be counted for purposes of determining whether a 82035
quorum is present at the meeting or hearing. 82036

(3) Public bodies shall provide notification of meetings and 82037
hearings held under this section to the public, to the media that 82038
have requested notification of a meeting, and to the parties 82039
required to be notified of a hearing, at least twenty-four hours 82040
in advance of the meeting or hearing by reasonable methods by 82041
which any person may determine the time, location, and the manner 82042
by which the meeting or hearing will be conducted, except in the 82043
event of an emergency requiring immediate official action. In the 82044
event of an emergency, the public body shall immediately notify 82045
the news media that have requested notification or the parties 82046
required to be notified of a hearing of the time, place, and 82047
purpose of the meeting or hearing. 82048

(4) The public body shall provide the public access to a 82049
meeting held under this section, and to any hearing held under 82050
this section that the public would otherwise be entitled to 82051
attend, commensurate with the method in which the meeting or 82052
hearing is being conducted, including, but not limited to, 82053
examples such as live-streaming by means of the internet, local 82054
radio, television, cable, or public access channels, call in 82055
information for a teleconference, or by means of any other similar 82056
electronic technology. The public body shall ensure that the 82057
public can observe and hear the discussions and deliberations of 82058

all the members of the public body, whether the member is 82059
participating in person or electronically. 82060

(C) When members of a public body conduct a hearing by means 82061
of teleconference, video conference, or any other similar 82062
electronic technology, the public body must establish a means, 82063
through the use of electronic equipment that is widely available 82064
to the general public, to converse with witnesses, and to receive 82065
documentary testimony and physical evidence. 82066

(D) The authority granted in this section applies 82067
notwithstanding any conflicting provision of the Revised Code. 82068
Nothing in this section shall be construed to negate any provision 82069
of section 121.22 of the Revised Code, Chapter 119. of the Revised 82070
Code, or other section of the Revised Code that is not in conflict 82071
with this section. 82072

(E) This section is effective ~~during~~ until ~~July 1~~ December 82073
31, 2021. 82074

Section 610.116. That existing Section 12 of H.B. 197 of the 82075
133rd General Assembly (as amended by H.B. 404 of the 133rd 82076
General Assembly) is hereby repealed. 82077

Section 610.12. That Sections 4, 5, 6, and 7 of S.B. 310 of 82078
the 133rd General Assembly be amended to read as follows: 82079

Sec. 4. (A)(1) The Department of Education shall conduct a 82080
study that does ~~both~~ all of the following: 82081

(a) Reviews the criteria used in the current school funding 82082
formula to define "economically disadvantaged students" in order 82083
to determine the effectiveness of the criteria; 82084

(b) Researches how other states define "economically 82085
disadvantaged students" and how "economically disadvantaged 82086
students" are addressed in other states' school funding formulas-; 82087

(c) 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 for success; 82088
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(d) Evaluates and revises the current definition of "economically disadvantaged student." 82092
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The Department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2022. 82094
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(2) The Department of Education, in consultation with the Department of Job and Family Services and stakeholder groups determined appropriate by the Department, shall prepare a report including ~~both~~ all of the following: 82097
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(a) A review of early child initiatives in Ohio, including preschool, Head Start, and other early learning opportunities for young children; 82101
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(b) Information regarding how other states support early learning opportunities for young children; 82104
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(c) The cost effectiveness of continuing the existing multiple provider system; 82106
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(d) Ways in which the existing system may be better coordinated and cost efficient; 82108
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(e) Alternative ways in which the state can supply high quality preschool, especially for economically disadvantaged students. 82110
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The Department of Education shall submit the report to the individuals prescribed in division (B) of this section not later than December 31, 2022. 82113
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(B) The reports prepared under division (A) of this section shall be submitted to all of the following: 82116
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(1) The President and Minority Leader of the Senate;	82118
(2) The Speaker and Minority Leader of the House of Representatives;	82119 82120
(3) The members of the standing committees of the House of Representatives and the Senate that consider legislation regarding primary and secondary education;	82121 82122 82123
<u>(4) The school funding oversight commission created in section 3317.60 of the Revised Code.</u>	82124 82125
Sec. 5. (A)(1)(a) 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:	82126 82127 82128 82129 82130
(i) The fiscal year 2019 funding for each line item;	82131
(ii) A brief description of services provided by each line item;	82132 82133
(iii) 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;	82134 82135 82136 82137
(iv) 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.	82138 82139 82140 82141
(b) The data shall be disaggregated into three categories based on students' age ranges as follows:	82142 82143
(i) 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;	82144 82145 82146

(ii) Students not described by division (A)(1)(b)(i) of this section between zero and four years of age; and	82147 82148
(iii) Students not described in division (A)(1)(b)(i) of this section between five and eighteen years of age.	82149 82150
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.	82151 82152 82153 82154 82155 82156 82157
(c) The Office shall submit the inventory to the individuals prescribed in division (B) of this section not later than December 31, 2022.	82158 82159 82160
(2) The Department of Education shall conduct an evaluation of all of the following topics regarding special education:	82161 82162
(a) The categories of special education students specified under section 3317.013 of the Revised Code and the funding amounts corresponding to those categories;	82163 82164 82165
(b) Best practices for providing education to special education students;	82166 82167
(c) Protocols for providing treatment to special education students;	82168 82169
(d) Technology to enhance the provision of special education;	82170
(e) Costs of providing special education;	82171
(f) Transportation of special education students.	82172
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, 2022.	82173 82174 82175

(3) The Department of Education shall, in collaboration with the Auditor of State and a workgroup established by the Department that consists of educators, auditors, and employees of the Department, 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 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, 2022.

(4) The Department of Education shall develop recommendations for an incentive program for school districts in rural areas of the state ~~that~~ and in those areas of the state where minority and economically disadvantaged students are underrepresented in gifted identification, service, and performance to identify and 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, including recommendations for funding and staffing needs, professional development, parental education, and use of community resources, to the individuals prescribed in division (B) of this section not later than December 31, 2022.

(5) The Department of Education shall, in collaboration with the Auditor of State and the Ohio Educational Service Center Association, conduct an evaluation of educational service centers, including all of the following:

- (a) Services provided;
- (b) Cost of existing services;
- (c) The ability to generate revenue for providing nonmandatory services and offset fixed costs with that revenue;
- (d) The average operating cost per pupil;

(e) The effectiveness and efficiency of all educational service centers. 82207
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The Department shall submit a report of its findings and a recommendation for a funding formula for educational service centers to the individuals prescribed in division (B) of this section not later than December 31, 2022. 82209
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(6) The Department of Education shall evaluate the current funding amounts and required services for all categories of English 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, 2022. 82213
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(7) The Department of Education shall conduct a study of the cost to educate students enrolled in internet- or computer-based community schools and shall consult with these schools while conducting this study. The Department shall submit a result of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2022. 82219
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(B) Reports prepared under divisions (A)(1), (2), (3), (4), (5), (6), and (7) of this section shall be submitted to all of the following: 82225
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(1) The chairperson, vice chair, and ranking minority member of the finance committees of the House of Representatives and the Senate; 82228
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(2) The chairperson, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the House of Representatives and the Senate; 82231
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(3) The chairperson, vice chair, and ranking minority member of the standing committees of the House of Representatives and the Senate that consider legislation regarding primary and secondary education; 82234
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(4) The Superintendent of Public Instruction;	82238
(5) The President of the State Board of Education;	82239
<u>(6) The school funding oversight commission created in</u>	82240
<u>section 3317.60 of the Revised Code.</u>	82241
(C) It is the intent of the General Assembly that the	82242
recommendations developed under division (A)(5) of this section be	82243
the basis of legislation enacted by the General Assembly in order	82244
to take effect for fiscal year 2023 and that the recommendations	82245
developed under divisions (A)(2), (3), (4), (6), and (7) of this	82246
section be the basis of legislation enacted by the General	82247
Assembly in order to take effect for fiscal year 2024.	82248
Sec. 6. (A) The Department of Education, in consultation with	82249
community school governing authorities and other appropriate	82250
stakeholders, shall evaluate the cost of operating community	82251
schools on a per-pupil or other reasonable basis as a replacement	82252
for the discontinuance of a fixed per-pupil formula amount.	82253
(B) Not later than December 31, 2022, the Department shall	82254
submit its findings to all of the following:	82255
(1) The chairperson, vice chair, and ranking minority member	82256
of the finance committees of the House of Representatives and the	82257
Senate;	82258
(2) The chairperson, vice chair, and ranking minority member	82259
of the finance subcommittees regarding primary and secondary	82260
education of the House of Representatives and the Senate;	82261
(3) The chairperson, vice chair, and ranking minority member	82262
of the standing committees of the House of Representatives and the	82263
Senate that consider legislation regarding primary and secondary	82264
education;	82265
(4) The Superintendent of Public Instruction;	82266

(5) The President of the State Board of Education;	82267
<u>(6) The school funding oversight commission created in section 3317.60 of the Revised Code.</u>	82268 82269
Sec. 7. (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.	82270 82271 82272 82273 82274 82275 82276 82277 82278
(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 and a recommendation for a funding formula for the transportation of such students to the Speaker of the House of Representatives and , the President of the Senate, <u>and the school funding oversight commission created in section 3317.60 of the Revised Code</u> not later than December 31, 2022.	82279 82280 82281 82282 82283 82284 82285 82286 82287 82288
Section 610.13. That existing Sections 4, 5, 6, and 7 of S.B. 310 of the 133rd General Assembly are hereby repealed.	82289 82290
Section 610.14. That Sections 223.10, 223.15, 223.50, and 227.10 of S.B. 310 of the 133rd General Assembly be amended to read as follows:	82291 82292 82293
Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES	82294

Administrative Building Fund (Fund 7026)		82295	
C725D5	Fountain Square Building and Telephone Improvement	\$4,000,000	82296
C725E0	DNR Fairgrounds Area Upgrades	\$1,000,000	82297
C725N7	District Office Renovations	\$4,890,000	82298
TOTAL Administrative Building Fund		\$9,890,000	82299
Ohio Parks and Natural Resources Fund (Fund 7031)		82300	
C72549	Facilities Development	\$14,370,000	82301
C725E1	Local Parks Projects Statewide	\$4,875,750	82302
C725E5	Project Planning	\$1,733,000	82303
C725N8	Forestry Equipment	\$1,400,000	82304
C725T3	Healthy Lake Erie Initiative	\$2,000,000	82305
TOTAL Ohio Parks and Natural Resources Fund		\$24,378,750	82306
Parks and Recreation Improvement Fund (Fund 7035)		82307	
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$81,007,500	82308
C725B2	Parks Equipment	\$5,456,250	82309
C725C4	Muskingum River Lock and Dam	\$13,415,000	82310
C725E2	Local Parks, Recreation, and Conservation Projects	\$64,453,745 <u>67,229,745</u>	82311
C725E6	Project Planning	\$8,705,400	82312
C725L8	Statewide Trails Program	\$3,200,000	82313
C725N6	Wastewater/Water Systems Upgrades	\$18,440,000	82314
C725R3	State Parks Renovations/Upgrades	\$18,614,784	82315
C725R4	Dam Rehabilitation - Parks	\$42,585,000	82316
C725U7	Eagle Creek Watershed Flood Mitigation	\$15,000,000	82317
C725U8	Erosion Emergency Assistance	\$5,000,000	82318
TOTAL Parks and Recreation Improvement Fund		\$275,877,679 <u>278,653,679</u>	82319

Clean Ohio Trail Fund (Fund 7061)		82320
C72514	Clean Ohio Trail Fund	\$12,500,000 82321
TOTAL Clean Ohio Trail Fund	\$12,500,000	82322
TOTAL ALL FUNDS	\$322,646,429	82323
	<u>325,422,429</u>	

FEDERAL REIMBURSEMENT 82324

All reimbursements received from the federal government for 82325
any expenditures made pursuant to this section shall be deposited 82326
in the state treasury to the credit of the fund from which the 82327
expenditure originated. 82328

Sec. 223.15. The foregoing appropriation item C725E2, Local 82329
Parks, Recreation, and Conservation Projects, shall be used to 82330
support the projects listed in this section. An amount equal to 82331
two per cent of the projects listed may be used by the Department 82332
of Natural Resources for the administration of local projects. 82333

Project List 82334

<u>Bailey's Bike Trail</u>	<u>\$ 2,000,000</u>	82335
Smale Riverfront Par	\$ 1,700,000	82336
Cincinnati Court Street Plaza	\$ 1,500,000	82337
Galloway Sports Complex One Field Project	\$ 1,500,000	82338
More Home to Roam	\$ 1,500,000	82339
Columbus Zoo Conservation Education Renovations	\$ 1,000,000	82340
Holmes County Park District Trail	\$ 1,000,000	82341
Loveland Parking Facility	\$ 900,000	82342
Conneaut Marina Improvement	\$ 850,000	82343
The Foundry	\$ 850,000	82344
Cleveland MetroParks Zoo	\$ 800,000	82345
Euclid Waterfront Improvement Plan Phase II	\$ 800,000	82346
Stubbs Park Improvements	\$ 800,000	82347
Toledo Zoo Entry Complex and Tiger and Bear Exhibit	\$ 800,000	82348
Auglaize Mercer Recreational Complex	\$ 750,000	82349

Chippewa Lake Park Project	\$ 750,000	82350
Hamilton Beltline Trail	\$ 750,000	82351
Hudson Greenway Trail	\$ 750,000	82352
Montgomery Quarter - Keystone Park	\$ 750,000	82353
Sandusky Bay Pathway/Landing Park	\$ 750,000	82354
<u>Scranton Trail Project</u>	<u>\$ 750,000</u>	82355
Makino Park Inclusive Fields	\$ 675,000	82356
Harbin Park Pavilion	\$ 550,000	82357
Akron Zoo	\$ 500,000	82358
Alum Creek and Olentangy Trail Connector	\$ 500,000	82359
Flats East Bank Phase 3	\$ 500,000	82360
Forest Lawn Flood Plain Restoration and Wildlife Trail	\$ 500,000	82361
Great Miami River Recreation Bike Trail	\$ 500,000	82362
Healey Creek Flood Mitigation	\$ 500,000	82363
Jim Simmons Trail Reservoir Trail	\$ 500,000	82364
Kurt Tunnell Memorial Trail	\$ 500,000	82365
Massillon Reservoir Park Splash Pad	\$ 500,000	82366
Medina Weymouth Community Center	\$ 500,000	82367
Megaland Replacement Project	\$ 500,000	82368
North Canton Performing Arts Park	\$ 500,000	82369
North Ridgeville Millcreek Conservation and Flood Control Round 3	\$ 500,000	82370
Oak Harbor Waterfront	\$ 500,000	82371
Scioto River Bridge and Trail	\$ 500,000	82372
Springbrook Gardens Park Recreational Facility	\$ 500,000	82373
Jackson Township Tam O'Shanter Park	\$ 500,000	82374
The Wilds Overlook Cafe'	\$ 500,000	82375
The Wilds RV Park	\$ 500,000	82376
Westlake Clague Park Playground Renovation	\$ 487,155	82377
Chagrin River and Lake Erie Boat Access	\$ 475,000	82378
Pymatuning Valley Greenway Project	\$ 450,000	82379
Sunbury Ohio to Erie trail Design and Construction	\$ 450,000	82380
Ripley Freedom Landing Boat Dock	\$ 425,000	82381

Wadsworth Memorial Park Improvements	\$ 420,000	82382
Education Center at Wild Hearts African Farm	\$ 400,000	82383
Fairport Harbor Docks and Marina Project	\$ 400,000	82384
Forest Run Metro Park Timberman Project	\$ 400,000	82385
Geneva Memorial Field Improvements	\$ 400,000	82386
Memorable Morrow	\$ 400,000	82387
Thaddeus Kosciuszko Park	\$ 400,000	82388
Worthington McCord Park Renovations	\$ 400,000	82389
Adams County Welcome Center	\$ 350,000	82390
Crestline Pool and Park	\$ 350,000	82391
Gateway Regional Sports Complex	\$ 350,000	82392
Orrville Park Gateway Project	\$ 350,000	82393
Shelby Black Fork Commons Plaza	\$ 350,000	82394
Sidney Canal Feeder Trail	\$ 350,000	82395
Wright Patterson AFB Main Gate Park Land Acquisition	\$ 350,000	82396
Lane Avenue Shared Use Path Project	\$ 338,000	82397
Sheffield Village French Creek Project	\$ 325,000	82398
Ashland Freer Field Improvements	\$ 300,000	82399
Flying Squirrel Preserve Morrow County Parks Expansion	\$ 300,000	82400
Hayden Run Trail Extension	\$ 300,000	82401
Lafayette Township Park Improvements	\$ 300,000	82402
Little Miami River Access at Bass Island	\$ 300,000	82403
Magic Mile Trail	\$ 300,000	82404
Marshallville Preserve	\$ 300,000	82405
Portage Lakes Drive Community Park	\$ 300,000	82406
Rossford Marina and Veterans Memorial Park Safety Renovations	\$ 300,000	82407
Alliance Park System Improvements	\$ 250,000	82408
Canal Fulton Park Phase 2	\$ 250,000	82409
Cave Lake Center for Community Leadership	\$ 250,000	82410
Clay Township Park Pavilion & Playground Improvements	\$ 250,000	82411
Conneaut Township Park Project	\$ 250,000	82412
Cooper Lodge, Camp Lakota	\$ 250,000	82413

Diamond Park	\$	250,000	82414
E. Milo Beck Park-Clearcreek Park-Hazel Woods Connector Trail	\$	250,000	82415
Faircrest Park Improvements	\$	250,000	82416
First Ladies' Library Improvements	\$	250,000	82417
Geneva-on-the-Lake Bike Trail	\$	250,000	82418
Heights to Hudson Trail	\$	250,000	82419
J. Babe Stern Ball Field	\$	250,000	82420
Kalida 4 Seasons Community Health/Fitness Track	\$	250,000	82421
Metzger Park Project	\$	250,000	82422
Millersport Canal Restoration - Phase I	\$	250,000	82423
Randolph Township Old School Playground	\$	250,000	82424
Recreational Field Improvements (Star Mill Park)	\$	250,000	82425
Wasson Way Uptown Connector Trail	\$	250,000	82426
Akron Children's Hospital	\$	225,000	82427
McDonald Commons Master Plan	\$	215,000	82428
Lawrence County Union Rome Trails and Walkways	\$	214,000	82429
Ashland Main Street Town Square Park	\$	200,000	82430
Black River Community Multi-use Facility	\$	200,000	82431
Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$	200,000	82432
Buckeye Lake Dredge	\$	200,000	82433
East Lincoln Street Connector Project	\$	200,000	82434
Elks CC Dam Repair Project	\$	200,000	82435
Holden Arboretum	\$	200,000	82436
Home Road Trail Extension	\$	200,000	82437
Kenton Memorial Park Golf Course Recreation Center	\$	200,000	82438
Kuliga Park Improvement Project Phase I	\$	200,000	82439
Lebanon Sports Complex Improvements	\$	200,000	82440
Lima All Ability Playground	\$	200,000	82441
Lorain County Metro Park Connector	\$	200,000	82442
Matthew Thomas Park Master Plan	\$	200,000	82443
Mayerson JCC Improvements	\$	200,000	82444

Munson Springs Nature Preserve & Historical Site	\$ 200,000	82445
Opportunity Park Improvements	\$ 200,000	82446
Perry Township Lakeshore Improvement Project	\$ 200,000	82447
Red Brook Metropark Flagship Park	\$ 200,000	82448
Shared Use Path Connector from Goosepond Road to the Licking County Health Department	\$ 200,000	82449
Sheffield Village Trail	\$ 200,000	82450
Sylvania Burnham Park Upgrade/Plummer Pool Renovations	\$ 200,000	82451
Wellston Pride Park Revitalization Project Phase II	\$ 200,000	82452
West Jefferson Park	\$ 200,000	82453
Fort Jennings Freedom Square	\$ 175,000	82454
Lebanon Bicentennial Park Restroom	\$ 175,000	82455
McKelvey Lake Park	\$ 175,000	82456
3 Rivers Peninsula Project	\$ 150,000	82457
Antrim Community Center	\$ 150,000	82458
Bronson Park Multi-use Path	\$ 150,000	82459
Crescent Park Regional Universal Play Area	\$ 150,000	82460
Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$ 150,000	82461
Glass City Enrichment Center	\$ 150,000	82462
Gorman Park Redevelopment Project	\$ 150,000	82463
Grafton Reservoir Park Trail	\$ 150,000	82464
Grandview Yard Recreational Trail	\$ 150,000	82465
Harbin Park Loop Trail	\$ 150,000	82466
Lancaster All Abilities Playground	\$ 150,000	82467
Little Hocking Community and Recreation Center	\$ 150,000	82468
Moberly Branch Connector Trail	\$ 150,000	82469
Delhi Township Neighborhood Playground Area	\$ 150,000	82470
Ottawa Hills Recreation Field/Renovation	\$ 150,000	82471
Ottawa Memorial Pool Improvements	\$ 150,000	82472
Parker Square and Memorial Park Improvements Project	\$ 150,000	82473
Pickerinton Soccer Association Facility Improvements	\$ 150,000	82474
Piqua Downtown Riverfront Park Improvements	\$ 150,000	82475

Powhatan Boat Ramp	\$ 150,000	82476
Pump House Meadow and Mindfulness Trail	\$ 150,000	82477
Rodger W. Young Park: Kiwanis Inclusive Play Park	\$ 150,000	82478
Strongsville Ehrnfelt Center	\$ 150,000	82479
Swanton Railroad Park	\$ 150,000	82480
Horizon Education Playground Improvements	\$ 140,000	82481
Lake Jinelle Rehabilitation <u>Rehabilitation</u>	\$ 140,000	82482
Wadsworth Durling Park Improvements	\$ 135,000	82483
Plymouth Community Pool	\$ 125,000	82484
Reagan Park and Trail	\$ 122,000	82485
Freeman Road Park Project	\$ 115,000	82486
Mary Rutan Tennis Court Project	\$ 115,000	82487
Lodi's Richman Field Splash Pad	\$ 105,000	82488
Avon Lake Weiss Field Park Pavilion Replacement Project	\$ 100,000	82489
Avon Veterans Memorial Park Expansion	\$ 100,000	82490
Caldwell Ice Rink Construction	\$ 100,000	82491
Camp Butterworth	\$ 100,000	82492
Camp Libbey	\$ 100,000	82493
Camp Stoneybrook	\$ 100,000	82494
Camp WhipPoorWill	\$ 100,000	82495
Carlisle Township Veteran's Memorial	\$ 100,000	82496
Central Avenue Pedestrian and Bike Trail	\$ 100,000	82497
Circleville Ted Lewis Park Renovation	\$ 100,000	82498
City of Brooklyn Trail Project	\$ 100,000	82499
North Olmsted Clague Park Improvements	\$ 100,000	82500
Columbia Township Wooster Pike Bike Trail	\$ 100,000	82501
Concord Township Park Redevelopment Plan	\$ 100,000	82502
Forest Park Central Park Improvements	\$ 100,000	82503
Galion Park Square Renovation	\$ 100,000	82504
Gratis Bicentennial Park	\$ 100,000	82505
Great Stone Viaduct	\$ 100,000	82506
Lisbon Greenway Bike Trail	\$ 100,000	82507
Harvest Home Park Lodge 21st Century Improvements	\$ 100,000	82508

Independence Civic Center Renovations	\$ 100,000	82509
Lake to Lodge Accessible Trail Project at Burr Oak State Park	\$ 100,000	82510
Lockbourne Magnolia Trail	\$ 100,000	82511
Mayfield Village Civic Center Upgrades	\$ 100,000	82512
Meigs County Pool	\$ 100,000	82513
Miracle Field Complex	\$ 100,000	82514
Mitchell Park Trail Connector	\$ 100,000	82515
Perrysville Weltmer Park Upgrades	\$ 100,000	82516
Poland Municipal Forest Restoration	\$ 100,000	82517
Rock Creek Connector Trail	\$ 100,000	82518
Rodger W. Young Park: Ball Diamond	\$ 100,000	82519
Schultz Campus for Jewish Life: Family Recreation and Accessibility Enhancements	\$ 100,000	82520
Stark County Firefighters Memorial Park	\$ 100,000	82521
Summit Metro Parks	\$ 100,000	82522
Village of Chagrin Falls Riverside Park Walking Path	\$ 100,000	82523
Whitehall Community Park Revitalization	\$ 100,000	82524
Waldo Community Center Walking Bridge	\$ 99,000	82525
Karohl Park CXT Restrooms	\$ 95,000	82526
Hobson Freedom Park	\$ 95,000	82527
Marion Township Greenway Phase 1	\$ 85,000	82528
Stanbery Park Shelter	\$ 80,000	82529
Lake Baccarat Richwood Park Improvements	\$ 76,739	82530
Bramble Recreation Area Nature Playscape	\$ 75,000	82531
Brecksville Blossom Hill Baseball Field Lighting	\$ 75,000	82532
Buckeye Lake Crystal Lagoon	\$ 75,000	82533
Geneva-on-the-Lake Shoreline Protection Project	\$ 75,000	82534
Hiestand Woods Improvement Project	\$ 75,000	82535
Lela McGuire Jeffrey Park Soccer Complex	\$ 75,000	82536
Lisbon Park Walking Track	\$ 75,000	82537
McConnelville Community Recreation Building	\$ 75,000	82538
Olmsted Falls Playground Enhancements	\$ 75,000	82539

Olmsted Township Brentwood Playground Development	\$	75,000	82540
Renovate Existing Fitzwater Train Yard Operations Building	\$	75,000	82541
Seven Hills Calvin Park Concession Project	\$	75,000	82542
Summit Lake Vision Plan	\$	75,000	82543
Van Wert Reservoir Trails	\$	75,000	82544
Vermillion Lakefront Revitalization	\$	75,000	82545
Village of Moreland Hills Forest Ridge Park Improvements	\$	75,000	82546
Wapakoneta Veterans Memorial Park Splash Pad	\$	75,000	82547
Wellsville Marina	\$	75,000	82548
Ray Mellert Park	\$	71,000	82549
Willard Park Playground	\$	60,000	82550
Gloria Glens Park Improvements	\$	56,000	82551
Heartland Trail	\$	55,000	82552
Willadale Segment-Southgate Connector Trail	\$	55,000	82553
Bay Village Interurban Pedestrian Bridge	\$	50,000	82554
Chardon Living Memorial Park Improvements	\$	50,000	82555
Earl Thomas Conley Park Improvements	\$	50,000	82556
Fayette Normal Memorial Park Community Splash Pad	\$	50,000	82557
Fox Island Inclusive Playground	\$	50,000	82558
Harmar Pedestrian Bridge Restoration Project	\$	50,000	82559
Jeromesville Square Park	\$	50,000	82560
Jewish Federation of Greater Dayton Nature Trail	\$	50,000	82561
Keener Park Renovations/Pickleball Courts	\$	50,000	82562
Kent State and Stark State Campus Trail	\$	50,000	82563
Kettlersville Village Park Improvement	\$	50,000	82564
Lebanese Cultural Garden	\$	50,000	82565
Leipsic Downtown Park and Stage	\$	50,000	82566
Lyndhurst Inclusive and Accessible Playground Project	\$	50,000	82567
Magnolia Flouring Mills Restoration	\$	50,000	82568
Middleburg Heights Public Park Pavilions Project	\$	50,000	82569
Milford Center Rail Depot	\$	50,000	82570
Moscow Riverfront Stabilization	\$	50,000	82571

Ohio and Erie Canal Way Towpath Trail	\$	50,000	82572
Ohio Township Swimming Pool	\$	50,000	82573
Perrysburg Inclusive Playground at Rotary Park	\$	50,000	82574
Pomeroy Multimodal Path	\$	50,000	82575
Red Cap Park Recreation Development	\$	50,000	82576
Revitalization of Short Park	\$	50,000	82577
Richwood Opera House	\$	50,000	82578
Silverton Town Commons	\$	50,000	82579
Stoner Pond at Ranger Park Fishing Dock Construction	\$	50,000	82580
Uptown Ecological Corridor	\$	50,000	82581
West Union Pedestrian Bike Path	\$	50,000	82582
Wooster Memorial Splash Pad Park	\$	50,000	82583
Thomas Lane Pocket Park Project	\$	46,740	82584
Ault Park Improvements	\$	46,000	82585
Carey Memorial Park Backsplash	\$	45,000	82586
Headwaters Nature Trail	\$	45,000	82587
Village of Lakemore Hinton Humniston Fitness Park Renovations	\$	45,000	82588
Austin Badger Park Path	\$	43,000	82589
African American Cultural Gardens	\$	40,000	82590
Gallipolis City Pool	\$	40,000	82591
Monroe Community Park Activity Center	\$	40,000	82592
Nimisilla Park Excavating	\$	40,000	82593
Rittman Youth Football Field	\$	40,000	82594
Spencer JB Firestone Park	\$	40,000	82595
Ashland County Corner Park Trail	\$	38,000	82596
Jeromesville Community Garden	\$	35,000	82597
Ray Mellert Dog Park Project	\$	35,000	82598
Bradley Park Playground	\$	32,279	82599
Kobak Baseball Field Lighting Project	\$	32,000	82600
Perry Township Community Recreation Center	\$	30,000	82601
Village of Weston Community Splash Pad	\$	30,000	82602
Weston Reservoir Restoration	\$	30,000	82603

<u>Sunny Lake Park Fishing Pier</u>	\$	<u>26,000</u>	82604
New Richmond Liberty Landing Park	\$	25,000	82605
East Liverpool Park Improvements	\$	25,000	82606
Lucas Community Playground	\$	25,000	82607
New Bremen STEM Waterway	\$	25,000	82608
Rayland Friendship Park Restroom Project	\$	25,000	82609
Smiley Park Ball Field Fencing	\$	25,000	82610
Veterans Park of Wellsville	\$	25,000	82611
Willshire Ballpark Enhancements	\$	25,000	82612
Oakwood Community Park	\$	22,610	82613
Cleveland Cultural Gardens - Rusin Garden	\$	22,000	82614
Pirate Park Improvements	\$	21,000	82615
Payne Buckeye Park	\$	20,500	82616
Auglaize Village Handi-capable Heritage Trail	\$	20,000	82617
Kenton Municipal Pool improvements	\$	20,000	82618
Lyons Community Park Improvements	\$	20,000	82619
Wakeman Trail Connector	\$	17,000	82620
Lorain Pier Planning Project	\$	15,000	82621
Alger Park Ballfield Backstop	\$	12,000	82622
Outdoor Band Stage at Lucas Community Center	\$	10,000	82623
Antwerp Riverside Park Fitness Trail	\$	7,500	82624
New Bremen StoryWalk	\$	7,500	82625
Melrose Park Renovation	\$	7,000	82626
Grover Hill Welcome Park Playground	\$	5,598	82627
Broughton Park Playground	\$	4,124	82628

Sec. 223.50. The Treasurer of State is hereby authorized to 82629
issue and sell, in accordance with Section 2i of Article VIII, 82630
Ohio Constitution, and Chapter 154. of the Revised Code, 82631
particularly section 154.22, and other applicable sections of the 82632
Revised Code, original obligations in an aggregate principal 82633
amount not to exceed ~~\$255,000,000~~ \$258,000,000, in addition to the 82634
original issuance of obligations heretofore authorized by prior 82635

acts of the General Assembly. These authorized obligations shall 82636
be issued, subject to applicable constitutional and statutory 82637
limitations, as needed to provide sufficient moneys to the credit 82638
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 82639
the costs of capital facilities for parks and recreation purposes. 82640

Sec. 227.10. 82641

DPS DEPARTMENT OF PUBLIC SAFETY 82642

Administrative Building Taxable Bond Fund (Fund 7016) 82643

C76068 Lorain County MARCS Tower/Sheffield Lake \$ 150,000 82644

C76071 Lewisburg MARCS Tower \$ 400,000 82645

C76072 Richland County MARCS Tower \$ 400,000 82646

C76073 Fredericksburg MARCS Tower \$ ~~250,000~~ 82647

500,000

C76074 Williams County MARCS Tower \$ 250,000 82648

C76075 Bowling Green MARCS Tower \$ 500,000 82649

TOTAL Administrative Building Taxable Bond Fund \$ ~~1,950,000~~ 82650

2,200,000

Administrative Building Fund (Fund 7026) 82651

C76000 Platform Scales Improvements \$ 350,000 82652

C76035 Alum Creek Facility Renovations and \$ 950,000 82653

Upgrades

C76036 Shipley Building Renovations and \$ 1,235,000 82654

Improvements

C76044 OSHP Headquarters/Post Renovations and \$ 4,511,542 82655

Improvements

C76045 OSHP Academy Renovations and \$ 325,000 82656

Improvements

C76049 EMA Building Renovations and \$ 650,000 82657

Improvements

C76069 Medina County Safety Services Complex \$ 400,000 82658

C76070	Medina County Driving Skills Pad Garage	\$	50,000	82659
C76076	Ohio Task Force One (OH-TF1) Warehouse	\$	50,000	82660
TOTAL	Administrative Building Fund	\$	8,521,542	82661
TOTAL ALL FUNDS		\$	10,471,542 <u>10,721,542</u>	82662

Section 610.15. That existing Sections 223.10, 223.15, 223.50, and 227.10 of S.B. 310 of the 133rd General Assembly are hereby repealed.

Section 610.20. That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) be amended to read as follows:

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2021~~ 2023.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2021~~ 2023.

Section 610.21. That existing Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) are hereby repealed.

Section 610.30. That Section 757.50 of H.B. 59 of the 130th General Assembly is hereby repealed.

Section 701.10. STATE PAY FOR SUCCESS CONTRACT FUND
The State Pay for Success Contract Fund shall be used for the purpose of funding a pay for success project pursuant to section 113.60 of the Revised Code. The Treasurer of State, in

consultation with the Director of Administrative Services and 82686
Chancellor of Higher Education, shall initiate a pay for success 82687
contract with a service intermediary, as selected by the 82688
Department of Higher Education, and a service provider, as 82689
required, to improve Ohio National Guard Scholarship utilization 82690
and the postsecondary outcomes for scholarship recipients. The 82691
program shall be delivered to eligible Ohio National Guard members 82692
planning to matriculate at a state institution of higher education 82693
in Ohio, as defined under section 3345.12 of the Revised Code. 82694

Section 701.40. (A) There is hereby created the Joint 82695
Legislative Oversight and Review Committee of Federal COVID Relief 82696
Aid. The Committee's purpose is to oversee and review the 82697
distribution and spending of funds received from the federal 82698
government for COVID relief purposes. 82699

(B) The Committee shall consist of the following members: 82700

(1) Five members of the House of Representatives, appointed 82701
by the Speaker of the House of Representatives. Three members 82702
shall be from the majority party and two members shall be from the 82703
minority party. 82704

(2) Five members of the Senate, appointed by the President of 82705
the Senate. Three members shall be from the majority party and two 82706
members shall be from the minority party. 82707

A majority of the Committee's members shall constitute a 82708
quorum. 82709

(C) The Speaker and the President shall appoint members to 82710
the Committee not later than thirty days after the effective date 82711
of this section. Any vacancies on the Committee shall be filled in 82712
the same manner as the original appointment. 82713

(D) The Speaker and the President shall each appoint one 82714
member to serve as co-chairperson of the Committee. 82715

(E) In fulfilling its duties, the Committee may do any of the following: 82716
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(1) Hold hearings; 82718

(2) Hear testimony from witnesses; 82719

(3) Issue reports; 82720

(4) Make recommendations regarding the oversight, expenditure, and reporting of COVID relief aid usage. 82721
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Section 701.50. (A) The General Assembly finds that the amendment to section 163.62 of the Revised Code by this act is remedial in nature in order to ensure that Ohio is in compliance with the "Uniform Relocation Assistance and Real Property Acquisitions Policies for Federal and Federally Assisted Programs Act," 42 U.S.C. 4601, et seq., and its implementing regulations, 49 C.F.R. 24.1, et seq. Therefore, the General Assembly hereby declares its purpose in amending section 163.62 of the Revised Code is that the amendment apply to any judgment in favor of the owner in an inverse condemnation proceeding or settlement effectuated by the agency in such a proceeding that occurred on or after January 1, 2019. 82723
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(B) The amendment to section 163.62 of the Revised Code by this act is in response to the Supreme Court's opinion in *State ex rel. New Wen, Inc. v. Marchbanks*, Slip Opinion No. 2020-Ohio-4865. There, the Supreme Court declared ineffective a provision in the Administrative Code that authorized certain litigation expenses, including reasonable attorney fees, to owners of real property who prevailed in inverse condemnation proceedings. In a concurring opinion, Justice Fischer, as joined by Justice DeWine, wrote "separately to point out that the General Assembly should examine the issue whether a property owner in Ohio who is forced to file a lawsuit, in this case for a writ of mandamus, to get a court order 82735
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when the state has taken that owner's property without filing a 82746
proper appropriation case, should or should not be entitled to an 82747
award of attorney fees." *Id.* at ¶17. In amending section 163.62 of 82748
the Revised Code, the General Assembly agrees with Justices 82749
Fischer and DeWine that Ohioans "who have had property improperly 82750
taken by any government—and who must go to court to correct that 82751
problem caused by the government—should be entitled to their 82752
attorney fees, which they incurred to uphold their 82753
constitutionally protected property rights." *Id.* 82754

Section 701.60. (A) As used in this section: 82755

(1) "Board of health" means a city board of health or a 82756
general health district, or an authority having the duties of a 82757
city board of health as authorized by section 3709.05 of the 82758
Revised Code. 82759

(2) "Business" means a corporation, association, partnership, 82760
limited liability company, sole proprietorship, joint venture, or 82761
other business entity composed of one or more individuals, whether 82762
or not the entity is operated for profit. 82763

(3) "Order" means any of the following: 82764

(a) An executive order addressing COVID-19 or any other order 82765
related to such an executive order; 82766

(b) A state or local order or rule issued under Chapter 3701. 82767
of the Revised Code related to COVID-19; 82768

(c) A rule promulgated under division (G) of section 119.03 82769
of the Revised Code related to COVID-19, including emergency rule 82770
4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative 82771
Code; 82772

(d) Any other rule, order, or directive issued by a state 82773
agency or a board of health imposing restrictions related to 82774
COVID-19 on a business. 82775

(4) "State agency" means the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio.

(B) Any violation or any sanction imposed in response to any violation of an order by a business that occurred between March 14, 2020, and the effective date of this section is hereby vacated, including violations adjudicated by the Liquor Control Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of the Administrative Code.

(C) Not later than thirty days after the effective date of this section, all of the following shall occur:

(1) A state agency or board of health, as applicable, shall expunge any record of a violation that is vacated under division (B) of this section.

(2) The Division of Liquor Control within the Department of Commerce and the Department of Public Safety shall expunge any record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of the Administrative Code, that occurred between March 14, 2020, and the effective date of this section. The Liquor Control Commission shall notify any business that was convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, or of a penalty related to COVID-19 under rule 4301:1-1-52(B)(1) of the Administrative Code, that the conviction is expunged.

(3) A state agency or board of health shall treat any finding of a violation vacated and expunged under this section as a nullity and take the steps within its power, forthwith, to restore any rights or privileges lost as a result of a finding of a violation. These steps shall include but shall not be limited to

reinstatement of a revoked license and other right or privilege to do business. 82807
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(D) Not later than thirty days after the effective date of this section, all of the following shall occur: 82809
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(1)(a) Except as provided in division (D)(1)(b) of this section, the Director of Budget and Management, in consultation with state agencies, shall determine the amount of money collected by a state agency in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the Director shall refund to each business the amount of penalties paid by each such business. The total amount of these refunds is hereby appropriated. If the business no longer exists, the Director shall make a reasonable effort to locate, and issue the refund to, the owner of the business. 82811
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(b) A financial penalty that was paid by a business for a conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a COVID-19 related conviction under rule 4301:1-1-52(B)(1) of the Administrative Code, shall be refunded under division (D)(1)(a) of this section, unless another conviction was assessed at the time of the adjudication for a violation not related to rule 4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 enforcement of rule 4301:1-1-52(B)(1) of the Administrative Code. 82822
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(2) A board of health shall determine the amount of money collected by the board of health in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the board of health shall refund to each business the amount of penalties paid by each such business. If the business no longer exists, the board of health shall make a reasonable effort to locate, and issue the refund to, the owner of the business. 82830
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(E) Not later than thirty days after the actions required 82839
under divisions (C) and (D) of this section are complete, the 82840
Liquor Control Commission shall issue a report to the House of 82841
Representatives and the Senate that all violations of rule 82842
4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related 82843
violations of rule 4301:1-1-52(B)(1) of the Administrative Code, 82844
have been expunged and that fine money related to those violations 82845
was refunded. 82846

(F) If a state agency or board of health has initiated, but 82847
has not completed, disciplinary action against a business for 82848
violation of an order that occurred between March 14, 2020, and 82849
the effective date of this section, the state agency or board of 82850
health shall cease taking such action regarding the order. 82851

(G) This section shall not be construed as prohibiting a 82852
state agency or board of health from enforcing restrictions, 82853
requirements, or other matters not satisfying the definition of 82854
"order" in division (A) of this section. 82855

(H) Notwithstanding other jurisdictional or venue 82856
limitations, any business may bring an action in the court of 82857
common pleas in a county where the business is located to enforce 82858
the rights, privileges, and obligations identified in this 82859
section. 82860

Section 701.70. (A)(1) As used in this section: 82861

(a) "Peace officer" has the same meaning as in section 109.71 82862
of the Revised Code. 82863

(b) "Trooper" means an individual appointed as a State 82864
Highway Patrol Trooper under section 5503.01 of the Revised Code. 82865

(2) Not later than December 1, 2021, the Attorney General 82866
shall create a pilot program for state funding of the training of 82867
peace officers and troopers that is required under section 109.803 82868

of the Revised Code. The pilot program shall be administered by 82869
the office of the Attorney General, in accordance with this 82870
section. The pilot program shall be a one year program, to be in 82871
existence for calendar year 2022. 82872

(3) Not later than December 2, 2021, each law enforcement 82873
agency that has peace officers or troopers who are subject to the 82874
training requirement set forth in section 109.803 of the Revised 82875
Code shall certify to the Attorney General the total of all 82876
salaries to be paid in calendar year 2022 to officers or troopers 82877
of the agency who will receive that training in calendar year 2022 82878
and the hourly rate of pay for each of those officers and 82879
troopers. 82880

(4) Not later than January 1, 2022, the Attorney General 82881
shall begin the operation of the pilot program established under 82882
division (A)(2) of this section. Prior to that date, the Attorney 82883
General shall establish rules, under section 111.15 of the Revised 82884
Code, for the operation and administration of the pilot program, 82885
for the determination of eligibility for funding and payments 82886
under the program, and for the provision of funding and payments 82887
under the pilot program, in accordance with this section. From 82888
money appropriated to the Attorney General for the purposes of the 82889
pilot program, the Attorney General shall pay to each law 82890
enforcement agency that has peace officers or troopers who are 82891
subject to the training requirement set forth in section 109.803 82892
of the Revised Code an amount to cover up to fifty per cent of the 82893
total cost of the salaries of the officers or troopers of the 82894
agency to be paid to officers or troopers who will receive that 82895
training in calendar year 2022, as certified by the agency in 82896
accordance with division (A)(3) of this section, during the period 82897
of the training. The amount to be paid shall cover only the period 82898
during which the officers or troopers are receiving that training 82899
and shall not exceed an amount covering twenty-four hours of the 82900

training. If the amount of the money appropriated to the Attorney 82901
General for the purposes of the pilot program is insufficient to 82902
pay fifty per cent of the total cost of the salaries of the peace 82903
officers or troopers of all law enforcement agencies to be paid in 82904
calendar year 2022 to officers or troopers who will receive that 82905
training in calendar year 2022, the amount to be paid to each such 82906
agency shall be reduced proportionately so that each agency is 82907
paid an equal percentage of its cost in the year for the training. 82908
No payment shall be made to any law enforcement agency under this 82909
division after January 1, 2023. If a law enforcement agency that 82910
receives money under this division does not use all of the money 82911
for the salaries certified by the agency in accordance with 82912
division (A)(3) of this section, the agency shall return all of 82913
the money not used to the Attorney General. 82914

A law enforcement agency that receives any payments under 82915
this division shall be responsible for paying the cost of training 82916
of its peace officers or troopers required under section 109.803 82917
of the Revised Code that exceeds the amount of the payment 82918
received under the pilot program under this division. 82919

(5) Except as otherwise provided in this division, state 82920
funding for the training of peace officers or troopers that is 82921
required under section 109.803 of the Revised Code shall be 82922
provided in calendar year 2022 only in accordance with division 82923
(A)(4) of this section, notwithstanding former section 109.802 of 82924
the Revised Code, rule 109:2-18-04 of the Administrative Code, and 82925
any other provision of law that addresses any alternative method 82926
of state funding for such training. The limitation specified in 82927
this division does not apply with respect to direct appropriations 82928
made to a state law enforcement agency. 82929

(6) Each law enforcement agency that receives money under 82930
division (A)(4) of this section shall submit to the Attorney 82931
General, by the date specified by the Attorney General, a report 82932

that states the amount of money the agency received, how that 82933
money was used, when it was used, and any other information with 82934
respect to the use of the money that is required by the Attorney 82935
General. The Attorney General shall prepare a report that compiles 82936
the information in the reports received from law enforcement 82937
agencies under this division and submit the report to the General 82938
Assembly and the Legislative Service Commission. 82939

(B)(1) There is created the Law Enforcement Training Funding 82940
Study Commission. The Commission shall consist of the following 82941
twelve members: 82942

(a) The Attorney General or a designee of the Attorney 82943
General who has experience in law enforcement funding issues; 82944

(b) The Director of Public Safety or a designee of the 82945
Director who has experience in law enforcement funding issues; 82946

(c) Three members of the House of Representatives appointed 82947
by the Speaker of the House of Representatives, with not more than 82948
two of the persons appointed as members being members of the same 82949
political party; 82950

(d) Three members of the Senate appointed by the President of 82951
the Senate, with not more than two of the persons appointed as 82952
members being members of the same political party; 82953

(e) Four members of the public appointed by the Governor, 82954
with each such member having a law enforcement background. 82955

(2) The Speaker of the House of Representatives, the 82956
President of the Senate, and the Governor shall make their initial 82957
appointments to the Law Enforcement Training Funding Study 82958
Commission not later than thirty days after the effective date of 82959
this Section. 82960

(3) If an appointed member of the Law Enforcement Training 82961
Funding Study Commission ceases to hold the position that led to 82962

the member's appointment, the member is disqualified and a vacancy 82963
occurs. Vacancies of appointed members shall be filled in the same 82964
manner as original appointments. 82965

(4) The Law Enforcement Training Funding Study Commission 82966
shall hold its first meeting not later than thirty days after the 82967
effective date of this section, regardless of whether all members 82968
have been appointed under division (B)(2) of this section. At its 82969
first meeting, the Commission shall select a chairperson, and also 82970
shall select a vice-chairperson to perform in the absence of the 82971
chairperson. The Commission shall adopt procedures to govern its 82972
proceedings and shall meet as necessary at the call of the 82973
chairperson or on the written request of a majority of its 82974
members. A majority of serving Commission members constitutes a 82975
quorum. Formal recommendations shall be made by a vote of a 82976
majority of the quorum present. Commission meetings shall be open 82977
to the public under section 121.22 of the Revised Code. The 82978
Commission shall keep minutes of its meetings as public records 82979
under section 149.43 of the Revised Code. 82980

(5) Members of the Law Enforcement Training Funding Study 82981
Commission shall serve without compensation. 82982

(6) The Law Enforcement Training Funding Study Commission 82983
shall study possible long-term methods for the provision of state 82984
funding to law enforcement agencies for the training of their 82985
peace officers and troopers that is required under section 109.803 82986
of the Revised Code. The Commission shall evaluate the plans for 82987
the pilot program established under division (A) of this section 82988
as part of the study. Upon completion of the study, the Commission 82989
shall prepare a report of its findings and recommendations for a 82990
long-term method for the provision of state funding to law 82991
enforcement agencies for the training of their peace officers and 82992
troopers that is required under section 109.803 of the Revised 82993
Code. Not later than March 1, 2022, the Commission shall submit 82994

the report to the Governor, the General Assembly, the Attorney General, and the Legislative Service Commission. Upon submission of the report, the Commission shall cease to exist.

Section 715.05. (A) As used in this section, "recreational trail" means a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

(B) No park district created under Chapter 1545. of the Revised Code and located in a county with not less than 220,000 and not more than 240,000 residents according to the most recent available federal decennial census shall appropriate property pursuant to Chapter 163. of the Revised Code for the purpose of providing a recreational trail.

(C) This section expires on July 1, 2026.

Section 715.10. The amendment of section 1509.71 of the Revised Code by this act is intended to rename the Oil and Gas Leasing Commission as the Oil and Gas Land Management Commission and to replace the Chief of the Division of Geological Survey with the Director of Natural Resources or the Director's designee as a member of the Commission. On and after the effective date of this section, the Director of Natural Resources or the Director's designee shall assume the duties and responsibilities of the Chief of the Division of Geological Survey.

Section 725.10. (A) There is established the Probation Workload Study Committee within the Supreme Court of Ohio to study and discuss probation caseload principles, education standards for probation officers, workload capacity principles, and any other additional subjects determined by the Study Committee to be relevant.

(B) The Study Committee shall consist of nine members, 83024
appointed as follows: 83025

(1) Three members shall be appointed by the Chief Justice of 83026
the Supreme Court. 83027

(2) Three members shall be appointed by the Executive 83028
Director of the Ohio Judicial Conference. 83029

(3) Three members shall be appointed by the President of the 83030
Ohio Chief Probation Officers Association. 83031

(C) Members of the Study Committee shall receive no 83032
compensation for their service and shall not be reimbursed for 83033
expenses incurred through participation in the Study Committee. 83034

(D) Not later than December 31, 2021, the Study Committee 83035
shall provide its recommendations to the Governor, the President 83036
of the Senate, and the Speaker of the House of Representatives. 83037
Upon submitting these recommendations, the Study Committee is 83038
abolished. 83039

Section 733.20. (A) In furtherance of the State of Ohio's 83040
intent to improve affordability in higher education, and in 83041
recognition of the positive achievements of the Ohio Faculty 83042
Council's October 2017 resolution supporting textbook 83043
affordability initiatives, the State of Ohio hereby tasks Ohio's 83044
institutions of higher education with evaluating their respective 83045
implementation of textbook affordability initiatives. 83046

(B)(1) Consistent with requirements in Title I, Section 133 83047
of the federal "Higher Education Opportunity Act of 2008," 83048
institutions of higher education receiving federal financial aid 83049
shall disclose required and recommended textbooks not later than 83050
the time at which students can first begin to register for a 83051
course. 83052

(2) Prior to academic year 2022-2023, the administration of 83053

each state institution of higher education, as defined in section 83054
3345.011 of the Revised Code, shall work collaboratively with the 83055
institution's faculty senate, or equivalent body, to consider 83056
adopting a formally recognized textbook auto-adoption policy. 83057

(3) The administration and faculty senate may use, as an 83058
example, the textbook auto-adoption policy implemented by faculty 83059
at Wright State University in 2018, under which faculty members 83060
retain full authority in selecting textbooks and materials 83061
appropriate for their classes. 83062

(C) Not later than August 15, 2022, the board of trustees of 83063
each state institution of higher education shall adopt a 83064
resolution or otherwise formally vote to affirm or decline 83065
adoption of the policy. If the board of trustees adopts the policy 83066
as agreed upon by the administration and faculty senate, the state 83067
institution shall formally transmit a copy of its resolution to 83068
the Chancellor of Higher Education. 83069

Section 733.30. (A) As used in this section, "post-secondary 83070
educational institutions" means any of the following: 83071

(1) A state institution of higher education, as defined in 83072
section 3345.011 of the Revised Code; 83073

(2) A private, nonprofit institution of higher education 83074
holding a certificate of authorization pursuant to Chapter 1713. 83075
of the Revised Code; 83076

(3) An institution that holds a certificate of registration 83077
from the state board of career colleges and schools; 83078

(4) An Ohio technical center, as defined in section 3333.94 83079
of the Revised Code; 83080

(5) Any other post-secondary education provider determined 83081
appropriate by the committee. 83082

(B) There is hereby established the Joint Legislative Study 83083

Committee regarding career pathways and post-secondary workforce training programs in Ohio.	83084
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(C) The membership of the Committee shall consist of all of the following:	83086
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(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;	83088
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(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;	83090
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(3) The Chairperson and Ranking Member of the House Finance Subcommittee on Higher Education;	83092
	83093
(4) Two members of the Senate appointed by the President of the Senate;	83094
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(5) One member of the Senate appointed by the Minority Leader of the Senate;	83096
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(6) The Chairperson and Ranking Member of the Senate Workforce and Higher Education Committee;	83098
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(7) The following members appointed by the Governor:	83100
(a) A representative of the Governor's Office of Workforce Transformation;	83101
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(b) A representative of the Department of Education;	83103
(c) A representative of the Chancellor of Higher Education.	83104
(D) The Committee shall review both of the following:	83105
(1) Current workforce training programs offered by post-secondary educational institutions and whether such programs are aligned with local, regional, and statewide workforce needs;	83106
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	83108
(2) Current career pathways, how they align with state, regional, and local labor market demand data, and whether they prioritize credentials that carry the most value in the labor market.	83109
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(E) The Committee shall develop recommendations regarding all 83113
of the following: 83114

(1) The state's workforce education priorities and how those 83115
priorities are funded; 83116

(2) A common definition for short-term credentials and 83117
certificates of value across primary, secondary, and 83118
post-secondary education providers that ensures consistency and 83119
alignment with the state's policy and funding priorities; 83120

(3) Any strategies or programs the Committee identified that 83121
may ensure that the state's investments will increase student 83122
success and career readiness by increasing the number of workforce 83123
certificates and credentials that lead to an in-demand job, as 83124
defined in section 3333.94 of the Revised Code; 83125

(4) The types of reporting and data necessary for the 83126
Chancellor to collect regarding post-secondary workforce 83127
credentials, including programs for which credit is not awarded; 83128

(5) Policy strategies identified by the Committee to increase 83129
awareness and participation by students in career-technical 83130
pathways through partnerships between primary, secondary, and 83131
post-secondary education providers and business and industry; 83132

(6) Strategies identified by the Committee to increase 83133
work-based learning programs such as apprenticeships and programs 83134
that permit students to attend post-secondary educational 83135
institutions while maintaining their employment; 83136

(7) Whether the state should consider prioritizing 83137
investments in short-term credentials through a new funding 83138
structure for workforce education and career-technical programs, 83139
including both of the following: 83140

(a) State support of workforce training programs at community 83141
colleges and Ohio technical centers; 83142

(b) Financial aid opportunities for students pursuing a workforce certificate or credential;	83143 83144
(8) Strategies to improve and expand short-term workforce career pathway opportunities to make them more accessible to residents of the state.	83145 83146 83147
(F) The Legislative Service Commission shall provide support to the Committee.	83148 83149
(G) Not later than November 1, 2022, the Committee shall issue a report, in accordance with section 101.68 of the Revised Code, that includes its findings under division (D) of this section, its recommendations under division (E) of this section, and any proposed legislative changes or funding recommendations determined appropriate by the Committee.	83150 83151 83152 83153 83154 83155
Section 733.40. Notwithstanding anything in the Revised Code to the contrary, for the 2021-2022 school year only, no community school shall be required to automatically withdraw a student who without legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code.	83156 83157 83158 83159 83160 83161 83162
Section 741.10. (A) Notwithstanding any provision of law to the contrary, on the effective date of this section, all of the authority, functions, assets, and liabilities of the Division of Industrial Compliance that were transferred to the Division from the former Historical Boilers Licensing Board by Section 7 of H.B. 442 of the 133rd General Assembly are transferred to the new Historical Boilers Licensing Board created by section 4104.33 of the Revised Code as enacted in this act. The Board is thereupon and thereafter successor to, and assumes the obligations, duties, authorities, and responsibilities of, the Division in relation to	83163 83164 83165 83166 83167 83168 83169 83170 83171 83172

historical boilers. Any certificate that was issued by the 83173
Division pursuant to sections 4104.31 to 4104.37 of the Revised 83174
Code, or that was issued by the former Historical Boilers 83175
Licensing Board, that is current and valid on the effective date 83176
of this section is deemed to be a certificate issued by the Board. 83177

Any business commenced under sections 4104.31 to 4104.37 of 83178
the Revised Code but not completed by the effective date of this 83179
section shall be completed by the Board in the same manner, and 83180
with the same effect, as if completed by the Division. 83181

No validation, cure, right, privilege, remedy, obligation, or 83182
liability is lost or impaired by reason of this act's transfer of 83183
responsibility from the Division to the Board. 83184

All rules, orders, and determinations made or undertaken 83185
pursuant to the authority and responsibilities of the Division 83186
under sections 4104.31 to 4104.37 of the Revised Code, or the 83187
former Historical Boilers Licensing Board, shall continue in 83188
effect as rules, orders, and determinations of the Board until 83189
modified or rescinded by the Board. If necessary to ensure the 83190
integrity of the numbering system of the Administrative Code, the 83191
Director of the Legislative Service Commission shall renumber the 83192
rules to reflect the transfer. 83193

Any action or proceeding that is related to the functions or 83194
duties of the Division under sections 4104.31 to 4104.37 of the 83195
Revised Code, or the former Historical Boilers Licensing Board, 83196
pending on the effective date of this section is not affected by 83197
the transfer and shall be prosecuted or defended in the name of 83198
the Board. In all such actions and proceedings, the Board, on 83199
application to the court, shall be substituted as a party. 83200

(B)(1) The following persons shall be employees of the 83201
Historical Boilers Licensing Board created by section 4104.33 of 83202
the Revised Code and shall serve in the positions previously held 83203

within their respective agencies unless the Board determines 83204
otherwise: 83205

(a) All employees of the Historical Boilers Licensing Board 83206
that existed prior to April 12, 2021, that became employees of the 83207
Division via Section 7 of H.B. 442 of the 133rd General Assembly 83208
and that continue to be employed in that capacity by the Division 83209
on the effective date of this section; 83210

(b) All employees thereafter hired by the Division 83211
specifically to carry out duties under sections 4104.31 to 4104.37 83212
of the Revised Code. 83213

(2) The transfer of responsibility from the Division to the 83214
Board shall not be deemed a transfer of employees pursuant to 83215
division (D)(3)(b) of section 124.11 of the Revised Code. 83216

Section 741.11. Notwithstanding section 4104.35 of the 83217
Revised Code as enacted by this act, the Historical Boilers 83218
Licensing Board created by this act shall issue a license to a 83219
person who held an active license to operate historical boilers in 83220
public on April 12, 2021. 83221

Section 743.20. (A) As used in this section: 83222

(1) "Liquor permit holder" means the holder of a permit 83223
issued under Chapter 4303. of the Revised Code. 83224

(2) "Rule" means rule 4301:1-1-13, rule 4301:1-1-80, or rule 83225
4301:1-1-52(B)(1) of the Administrative Code. 83226

(B) Notwithstanding any provision of the Revised Code to the 83227
contrary, if a liquor permit holder's permit has been revoked as a 83228
result of a violation of a rule and the violation occurred on or 83229
after March 14, 2020, but prior to the effective date of this 83230
section, the Liquor Control Commission shall reinstate the liquor 83231
permit holder's permit if, within sixty days of the effective date 83232

of this section, the permit holder pays a fine of \$2,500 to the Commission. 83233
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(C) For each permit that is reinstated under division (B) of this section, the Liquor Control Commission shall notify each of the following of the reinstatement: 83235
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(1) The liquor permit holder whose permit is reinstated; 83238

(2) The Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Following receipt of the notification, the Division and the Investigative Unit shall delete any records of the revocation. 83239
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(3) The General Assembly as provided in division (B) of section 101.68 of the Revised Code. 83243
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Section 745.10. (A) As used in this section: 83245

(1) "Amusement ride" has the same meaning as under section 993.01 of the Revised Code. 83246
83247

(2) "Owner" has the same meaning as under section 993.01 of the Revised Code. 83248
83249

(3) "Registration taxes and fees" means all of the following: 83250

(a) Any annual registration tax owed for a vehicle or trailer registered in the name of the owner under sections 4503.04 or 4503.042 of the Revised Code; 83251
83252
83253

(b) Any annual registration fees owed under division (C) of section 4503.10 of the Revised Code; 83254
83255

(c) Any local motor vehicle taxes owed under Chapter 4504. Of the Revised Code; 83256
83257

(d) Any license plate fees owed under section 4503.19 of the Revised Code; 83258
83259

(e) The Bureau of Motor Vehicles or deputy registrar service 83260

fee owed under section 4503.038 of the Revised Code. 83261

(B) Beginning on the effective date of this section until one 83262
year after the effective date of this section, the Registrar of 83263
Motor Vehicles shall waive the registration taxes and fees for any 83264
amusement ride owner that was not able to operate the owner's 83265
amusement rides in calendar year 2020. 83266

(C) If the owner of the amusement rides registers the owner's 83267
vehicles and trailers under section 4503.103 of the Revised Code 83268
for multiple years, the Registrar shall credit the owner for one 83269
year of registration taxes and fees under that section. The owner 83270
shall pay any registration taxes and fees owed for the additional 83271
years of registration under that section. 83272

Section 749.10. Not later than ninety days following the 83273
effective date of the amendments made by this act to section 83274
4927.01 of the Revised Code, the Public Utilities Commission shall 83275
amend its rules to the extent necessary to bring them into 83276
conformity with that section. 83277

Section 749.20. Notwithstanding section 4911.17 of the 83278
Revised Code, during the period of emergency declared by Executive 83279
Order 2020-01D, issued on March 9, 2020, members of the Governing 83280
Board of the Ohio Consumers' Counsel may meet virtually without 83281
affecting their eligibility for compensation. 83282

Section 751.10. (A) There is hereby created the Task Force on 83283
Streamlining County Level-Information Access to make 83284
recommendations on how county departments of job and family 83285
services, child support enforcement agencies, public children 83286
services agencies, and county OhioMeansJobs centers can streamline 83287
access to information across information technology systems. 83288

(B) The Task Force shall consist of sixteen members as 83289

follows:	83290
(1) Two members, appointed by the Speaker of the House of Representatives, shall be members of the House of Representatives, with one member from the majority party and one member from the minority party;	83291 83292 83293 83294
(2) Two members, appointed by the President of the Senate, shall be members of the Senate, with one member from the majority party and one member from the minority party;	83295 83296 83297
(3) The Director of Job and Family Services, or the Director's designee;	83298 83299
(4) The Medicaid Director, or the Director's designee;	83300
(5) The Director of Administrative Services, or the Director's designee;	83301 83302
(6) Three representatives of the Ohio Job and Family Services Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively;	83303 83304 83305 83306
(7) Three representatives of the Public Children Services Association of Ohio, appointed by the Agency, with one representative each from a small, medium, and large county, respectively;	83307 83308 83309 83310
(8) Three representatives of the Ohio Child Support Enforcement Agency Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively.	83311 83312 83313 83314
(C) Not later than October 8, 2021, the Task Force shall hold its first meeting. Members shall elect a chairperson at the first meeting.	83315 83316 83317
(D) For each meeting, each Director or Director's designee shall select an appropriate subject matter expert from their	83318 83319

respective departments, as necessary, to attend the meetings and 83320
inform the discussions. 83321

(E) A majority of the members constitutes a quorum for the 83322
conduct of meetings. The Task Force shall comply with public 83323
records and open meetings requirements as described in sections 83324
121.22 and 149.43 of the Revised Code. 83325

(F) The Task Force shall do all of the following: 83326

(1) Identify barriers to efficient operations between 83327
information technology systems that affect both department and 83328
agency operations and services to clients; 83329

(2) For each identified barrier, explore the feasibility of 83330
allowing county employees access to more than one information 83331
technology system to provide better service to clients, including 83332
by analyzing the flexibility provided and prohibitions under 83333
federal law, regulation, guidance, and waivers; 83334

(3) Prioritize which barriers should be addressed first based 83335
on the outcomes and efficiencies to be gained by improved 83336
streamlining processes and information sharing. 83337

(G) Not later than February 1, 2022, the Task Force shall 83338
submit to the General Assembly a report detailing its findings and 83339
recommendations. The Task Force ceases to exist on the submission 83340
of its report. 83341

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 83342

There is hereby established in the Highway Operating Fund 83343
(Fund 7002), used by the Department of Transportation, a Diesel 83344
Emissions Reduction Grant Program. The Director of Environmental 83345
Protection shall administer the program and shall solicit, 83346
evaluate, score, and select projects submitted by public and 83347
private entities that are eligible for the federal Congestion 83348
Mitigation and Air Quality (CMAQ) Program. The Director of 83349

Transportation shall process Federal Highway 83350
Administration-approved projects as recommended by the Director of 83351
Environmental Protection. 83352

In addition to the allowable expenditures set forth in 83353
section 122.861 of the Revised Code, Diesel Emissions Reduction 83354
Grant Program funds also may be used to fund projects involving 83355
the purchase or use of hybrid and alternative fuel vehicles that 83356
are allowed under guidance developed by the Federal Highway 83357
Administration for the CMAQ Program. 83358

Public entities eligible to receive funds under section 83359
122.861 of the Revised Code and CMAQ shall be reimbursed from 83360
moneys in Fund 7002 designated for the Department of 83361
Transportation's Diesel Emissions Reduction Grant Program. 83362

Private entities eligible to receive funds under section 83363
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 83364
direction of the local public agency sponsor and upon approval of 83365
the Department of Transportation, through direct payments. These 83366
reimbursements shall be made from moneys in Fund 7002 designated 83367
for the Department of Transportation's Diesel Emissions Reduction 83368
Grant Program. Total expenditures from Fund 7002 for the Diesel 83369
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 83370
both fiscal year 2022 and fiscal year 2023. 83371

Any allocations under this section represent CMAQ program 83372
moneys within the Department of Transportation for use by the 83373
Diesel Emissions Reduction Grant Program by the Environmental 83374
Protection Agency. These allocations shall not reduce the amount 83375
of such moneys designated for metropolitan planning organizations. 83376

The Director of Environmental Protection, in consultation 83377
with the Director of Transportation, shall develop guidance for 83378
the distribution of funds and for the administration of the Diesel 83379
Emissions Reduction Grant Program. The guidance shall include a 83380

method of prioritization for projects, acceptable technologies, 83381
and procedures for awarding grants. 83382

Section 755.20. (A) The Director of Transportation, in 83383
consultation with the chief executive officers and legislative 83384
authorities of the municipal corporations of Strongsville, North 83385
Royalton, and Brunswick, shall conduct a traffic safety study for 83386
the roads and highways in those municipal corporations. The 83387
traffic safety study shall examine how to improve those highways 83388
in ways that increase the safety and convenience of the traveling 83389
public through those municipal corporations. The Director of 83390
Transportation shall use up to \$100,000 in fiscal year 2022 from 83391
the Highway Operating Fund (Fund 7002), through funding available 83392
under the federal flexible spending program, to pay for the costs 83393
of the study. This amount is hereby appropriated. 83394

(B)(1) Not later than December 31, 2022, the Director shall 83395
complete the study and submit a report of the study's findings to 83396
all of the following: 83397

(a) The Governor; 83398

(b) The Speaker of the House of Representatives; 83399

(c) The President of the Senate; 83400

(d) The chairpersons of the committees of the House of 83401
Representatives and the Senate pertaining to transportation; 83402

(e) The chief executive officer and the legislative authority 83403
of Strongsville, North Royalton, and Brunswick respectively. 83404

(2) The Director may include in the report solutions for the 83405
traffic safety concerns found during the study. 83406

Section 757.10. The State of Ohio does not intend to collect 83407
tax on unemployment compensation reported to unsuspecting victims 83408
of fraud on an Internal Revenue Service form 1099-G from the Ohio 83409

Department of Job and Family Services consistent with Internal 83410
Revenue Service Information Release 2021-24. The State of Ohio 83411
also strongly encourages victims of fraud to report that fraud to 83412
the agency that issued the 1099-G to avoid potential billings and 83413
assessment from the Internal Revenue Service. 83414

The Director of Job and Family Services and the Tax 83415
Commissioner shall cause information to be published on the web 83416
sites of their respective agencies informing Ohio residents about 83417
fraudulent misrepresentations made to obtain unemployment 83418
compensation. This information shall include a description of the 83419
penalties for such misrepresentations prescribed in section 83420
4141.35 of the Revised Code, any recommended preventive measures 83421
to assist a resident in avoiding unemployment compensation fraud, 83422
and any actions recommended when a resident suspects or detects 83423
such fraud. The information shall be published as soon as 83424
practicable after the effective date of this section and remain on 83425
the applicable web site until June 30, 2023. 83426

Section 757.20. BUSINESS INCENTIVE TAX CREDITS 83427

In order to facilitate an understanding of business incentive 83428
tax credits, as defined in section 107.036 of the Revised Code, 83429
the following table provides an estimate of the amount of credits 83430
that may be authorized in each fiscal year of the 2022-2023 83431
biennium, an estimate of the credits expected to be claimed in 83432
each fiscal year of that biennium, and an estimate of the amount 83433
of credits authorized that will remain outstanding at the end of 83434
that biennium. In totality, this table provides an estimate of the 83435
state revenue forgone due to business incentive tax credits in the 83436
2022-2023 biennium and future biennium. 83437

Biennial Business Incentive Tax Credit Estimates 83438

83439

	Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed		Expected Outstanding credits	83440
	(All figures in thousands of dollars)					
						83441
						83442
Tax Credit	FY 2022	FY 2023	FY 2022	FY 2023	End of Biennium	83443
						83444
Job Creation Tax Credit*	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000	83445
						83446
Job Retention Tax Credit	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900	83447
						83448
Historic Preservation Tax Credit	\$60,000	\$60,000	\$70,000	\$75,000	\$155,000	83449
						83450
Motion Picture Tax Credit	\$40,000	\$40,000	\$47,500	\$42,500	\$85,000	83451
						83452
New Markets Tax Credit	\$10,000	\$10,000	\$9,850	\$9,500	\$43,500	83453

						83454
R&D Loan	\$0	\$0	\$1,450	\$1,450	\$5,000	83455
Tax						
Credit						
						83456
InvestOhio	\$2,250	\$2,000	\$1,500	\$1,500	\$3,250	83457
Tax						
Credit						
						83458
Ohio	\$0	\$0	\$11,250	\$11,250	\$22,500	83459
Rural						
Business						
						83460
Ohio	\$25,000	\$25,000	\$20,000	\$20,000	\$0	83461
Opportunity						
Zone						
Estimate	\$242,250	\$247,000	\$329,621	\$324,551	\$1,312,150	83462
Total						
<p>*The Job Creation Tax Credit (JCTC) estimate of credits</p>						83463
<p>outstanding represents the estimated potential value of</p>						83464
<p>certificates to be issued under the program in the future with the</p>						83465
<p>existing portfolio of approved and active incentives. The estimate</p>						83466
<p>assumes that the companies receiving credits will continue to meet</p>						83467
<p>the performance objectives required to continue receiving the</p>						83468
<p>credit.</p>						83469
<p>Section 757.30. (A) The Department of Insurance and the</p>						83470
<p>Department of Medicaid shall complete a joint study analyzing the</p>						83471
<p>following:</p>						83472
<p>(1) Whether allowing an income tax credit based on the cost</p>						83473
<p>an individual incurs to purchase long-term care insurance would</p>						83474
<p>increase the number of Ohioans that purchase such insurance;</p>						83475

(2) Whether employers or other group insurance plan providers 83476
should be able to purchase long-term care insurance policies for 83477
their employees or members, and whether allowing a tax credit to 83478
such employers or providers would increase the number of Ohioans 83479
with such insurance; 83480

(3) Whether hybrid life insurance policies should be included 83481
in the state long-term care partnership program, as that term is 83482
defined in section 3923.41 of the Revised Code. 83483

(B) On or before June 30, 2022, the Departments shall issue 83484
this study to the General Assembly, in accordance with division 83485
(B) of section 101.68 of the Revised Code, and the Governor. The 83486
study shall recommend a range of tax credit amounts, if any, that 83487
could achieve the goals described in divisions (A)(1) and (2) of 83488
this section. 83489

Section 803.10. The amendments by this act to divisions (H) 83490
and (I) of section 3319.31 of the Revised Code are remedial in 83491
nature and apply to any proceeding, investigation, or citation 83492
involving an applicant for an initial license, as defined in that 83493
section, that, as of the effective date of those amendments, has 83494
not reached final adjudication, including all available appeals. 83495

Section 803.20. The amendment by this act of sections 4303.26 83496
and 4303.271 of the Revised Code applies to transfer and renewal 83497
applications filed under those sections that are due on or after 83498
February 1, 2022. 83499

Section 803.30. (A) The amendment by this act of division (E) 83500
of section 5709.121 of the Revised Code applies to tax year 2021 83501
and every tax year thereafter. 83502

(B) The enactment by this act of division (F) of section 83503
5709.121 of the Revised Code applies to tax year 2021 and every 83504

tax year thereafter, as well as to any tax year at issue in an 83505
application for exemption from taxation or any appeal from such an 83506
application pending before the Tax Commissioner, the Board of Tax 83507
Appeals, any court of common pleas or court of appeals, or the 83508
Supreme Court on the effective date of that enactment and to the 83509
property that is the subject of any such application or appeal. 83510

Section 803.50. The amendment of section 5726.20 of the 83511
Revised Code is intended to clarify the law as it existed prior to 83512
the enactment of this act and shall be construed accordingly. 83513

Section 803.60. The amendment or enactment by this act of 83514
divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of 83515
the Revised Code is intended to clarify the law as it existed 83516
before the enactment of this act and shall be construed 83517
accordingly. 83518

Section 803.70. The amendment by this act of division (H) of 83519
section 5747.08 of the Revised Code is intended to clarify the law 83520
as it existed before the amendment by this act of that division 83521
and shall be construed accordingly. The amendment applies to 83522
taxable years beginning on or after January 1, 2016. 83523

Section 803.90. The amendment by this act of section 5705.19 83524
of the Revised Code applies to property tax questions considered 83525
at any election held on or after the one hundredth day after the 83526
effective date of this section. 83527

Section 803.93. The amendment by this act of section 5739.02 83528
of the Revised Code applies on and after the first day of the 83529
first month beginning after the effective date of this section. 83530

Section 803.97. (A) The amendment by this act of section 83531

5747.02 of the Revised Code applies to taxable years beginning on 83532
or after January 1, 2021. 83533

(B) The Tax Commissioner shall not make adjustments in 2021 83534
to the income amounts in divisions (A)(2) and (3) of section 83535
5747.02 of the Revised Code, as otherwise required by division 83536
(A)(5) of that section. 83537

Section 803.100. The amendment by this act of sections 83538
5727.80 and 5727.81 of the Revised Code is intended to clarify the 83539
meaning of those sections as they existed prior to the effective 83540
date of this section and is not intended to change the meaning in 83541
any way. 83542

Section 806.10. SEVERABILITY 83543

The items of law contained in this act, and their 83544
applications, are severable. If any item of law contained in this 83545
act, or if any application of any item of law contained in this 83546
act, is held invalid, the invalidity does not affect other items 83547
of law contained in this act and their applications that can be 83548
given effect without the invalid item of law or application. 83549

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 83550

An item of law, other than an amending, enacting, or 83551
repealing clause, that composes the whole or part of an uncodified 83552
section contained in this act has no effect after June 30, 2023, 83553
unless its context clearly indicates otherwise. 83554

Section 812.10. SUBJECT TO REFERENDUM 83555

Except as otherwise provided in this act, the amendment, 83556
enactment, or repeal by this act of a section is subject to the 83557
referendum under Ohio Constitution, Article II, section 1c and 83558

therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

The amendment of sections 102.02, 183.021, and 183.33 and the repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 183.17 of the Revised Code by this act take effect December 30, 2021.

The amendment of section 127.13 of the Revised Code by this act takes effect January 1, 2022.

The amendment of section 1907.15 of the Revised Code by this act takes effect January 1, 2022.

Section 812.20. The amendment, enactment, new enactment, or repeal by this act of the sections listed below is exempt from the referendum under section 1d of Article II, Ohio Constitution, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 122.40, 122.401, 122.403, 122.404, 122.406, 122.407, 122.408, 122.4010, 122.4013, 122.4015, 122.4016, 122.4017, 122.4018, 122.4019, 122.4020, 122.4021, 122.4023, 122.4024, 122.4025, 122.4030, 122.4031, 122.4033, 122.4034, 122.4035, 122.4036, 122.4037, 122.4040, 122.4041, 122.4043, 122.4044, 122.4045, 122.4046, 122.4050, 122.4051, 122.4053, 122.4055, 122.4060, 122.4061, 122.4063, 122.4070, 122.4071, 122.4073, 122.4075, 122.4076, 122.4077, 133.13, 188.01, 188.02, 188.05, 188.08, 188.11, 188.14, 188.17, 188.20, 188.23, 188.27, 188.30, 303.251, 505.881, 727.01, 3302.043, 3313.905, 4301.43, 4926.01, 4926.03, 4926.06, 4926.09, 4926.12, 4926.15, 4926.18, 4926.21, 4926.24, 4926.27, 4926.30, 4926.33, 4926.36, 4926.39, 4926.42, 4926.43, 4926.45, 4926.48, 4926.51, 4926.54, 4926.57, 4926.60, 5751.02, and 5751.03 of the Revised Code.

Section 812.23. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s and Sections 610.115, 610.116, 701.60, and 757.10 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

Section 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by both H.B. 263 and S.B. 260 of the 133rd General Assembly.

Section 111.16 of the Revised Code as amended by both H.B. 31 and H.B. 133 of the 132nd General Assembly.

Section 119.12 of the Revised Code as amended by both H.B. 52 and H.B. 64 of the 131st General Assembly.

Section 121.22 of the Revised Code as amended by both H.B. 263 and H.B. 341 of the 133rd General Assembly.

Section 340.03 of the Revised Code as amended by both H.B. 49 and S.B. 71 of the 132nd General Assembly.

Section 3314.03 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all of the 133rd General Assembly.

Section 3319.31 of the Revised Code, as amended by H.B. 123 and H.B. 263, both of the 133rd General Assembly.

Section 3326.11 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd

General Assembly.	83619
Section 3328.24 of the Revised Code as amended by H.B. 123,	83620
H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	83621
General Assembly.	83622
Section 3333.31 of the Revised Code as amended by both H.B.	83623
16 and S.B. 40 of the 133rd General Assembly.	83624
Section 5126.05 of the Revised Code as amended by both H.B.	83625
158 and H.B. 483 of the 131st General Assembly.	83626
Section 5727.75 of the Revised Code as amended by both H.B. 6	83627
and H.B. 166 of the 133rd General Assembly.	83628
Section 5747.01 of the Revised Code as amended by H.B. 18,	83629
H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General	83630
Assembly.	83631